

*Status: Point in time view as at 01/04/2018.*

*Changes to legislation: Consumers, Estate Agents and Redress Act 2007, Part 1 is up to date with all changes known to be in force on or before 06 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)*



# Consumers, Estate Agents and Redress Act 2007

## 2007 CHAPTER 17

### PART 1

#### [<sup>F1</sup>THE CONSUMER ADVOCACY BODIES]

##### Textual Amendments

- F1** Pt. 1 heading substituted (1.4.2014) 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(3), Sch. 1 para. 12(2) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

*[<sup>F2</sup>The consumer advocacy bodies]*

##### Textual Amendments

- F2** S. 1 cross-heading substituted (1.4.2014) 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(3), [Sch. 1 para. 12\(3\)](#) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

#### [<sup>F31</sup> 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.

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- (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. ]

**Textual Amendments**

**F3** S. 1 substituted (1.4.2014) 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(3) , **Sch. 1 para. 12(4)** (with Sch. 1 para. 28 , Sch. 2 paras. 13-15 )

**F42 The territorial committees**

.....

**Textual Amendments**

**F4** S. 2 omitted (1.4.2014) by virtue of [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(3) , **Sch. 1 para. 12(5)** (with Sch. 1 para. 28 , Sch. 2 paras. 13-15 )

*“Consumer”, “consumer matters” and “designated consumers”*

**3 “Consumer” and “consumer matters”**

- (1) In this Part “consumer” and “consumer matters” have the meaning given by this section.
- (2) “Consumer” means—
  - (a) a person who purchases, uses or receives, in Great Britain, goods or services which are supplied in the course of a business carried on by the person supplying or seeking to supply them, or
  - (b) a person who purchases, uses or receives [<sup>F5</sup>postal services ]in Northern Ireland.
- (3) “Consumer” includes both an existing consumer and a future consumer.
- (4) For the purposes of subsection (2)—
  - (a) a person who uses services includes, in relation to [<sup>F6</sup>postal services], an addressee;
  - (b) “goods” includes land or an interest in land;

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- (c) “business” includes a profession and the activities of any government department, local or public authority or other public body.
- (5) “Consumer matters” means—
  - (a) the interests of consumers, and
  - (b) any matter connected with those interests.

#### Textual Amendments

- F5** Words in s. 3(2)(b) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 176](#); [S.I. 2011/2329](#), art. 3
- F6** Words in s. 3(4)(a) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 176](#); [S.I. 2011/2329](#), art. 3

#### Commencement Information

- I1** S. 3 in force at 21.12.2007 by [S.I. 2007/3546](#), art. 3, [Sch.](#)

## 4 “Designated consumers”

- (1) In this Part “designated consumers” means—
  - (a) consumers in relation to gas conveyed through pipes or electricity conveyed by distribution systems or transmission systems, and
  - (b) consumers in relation to <sup>[F7]</sup>postal services].
- (2) The Secretary of State may, by order, amend subsection (1) so as—
  - (a) to make any description of consumers within subsection (3) “designated consumers” for the purposes of this Part;
  - (b) to provide for any description of consumers to cease to be “designated consumers” for those purposes.
- (3) The consumers within this subsection are consumers in England and Wales in relation to services provided by a water undertaker, a sewerage undertaker <sup>[F8]</sup>, a water supply licensee or a sewerage licensee], in <sup>[F9]</sup>the undertaker's or licensee's capacity] as such.
- (4) Before making an order under subsection (2), the Secretary of State must consult—
  - <sup>[F10]</sup>(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 , ]
  - (b) in the case of a relevant order, the Scottish Ministers,
  - (c) the Welsh Ministers, and
  - (d) such other persons as the Secretary of State considers appropriate.
- (5) For this purpose a “relevant order” is an order which relates to any description of—
  - (a) consumers in relation to gas conveyed through pipes or electricity conveyed by distribution systems or transmission systems, or
  - (b) consumers in relation to <sup>[F11]</sup>postal services].

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#### Textual Amendments

- F7** Words in s. 4(1)(b) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 176](#); [S.I. 2011/2329](#), art. 3
- F8** Words in s. 4(3) substituted (1.4.2017) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 137\(a\)](#); [S.I. 2017/462](#), art. 3(k)(xxv)
- F9** Words in s. 4(3) substituted (1.4.2017) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 137\(b\)](#); [S.I. 2017/462](#), art. 3(k)(xxv)
- F10** S. 4(4)(a)-(ab) substituted (1.4.2014) for s. 4(4)(a) 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(3), [Sch. 1 para. 12\(6\)](#) (with [Sch. 1 para. 28](#), [Sch. 2 paras. 13-15](#))
- F11** Words in s. 4(5)(b) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 176](#); [S.I. 2011/2329](#), art. 3

#### Commencement Information

- I2** S. 4 in force at 21.12.2007 by [S.I. 2007/3546](#), art. 3, [Sch.](#)

### *Determining priorities*

## 5 Forward work programmes [<sup>F12</sup>of the GCCNI]

- (1) [<sup>F13</sup>The GCCNI] must [<sup>F14</sup>before each programme year] publish a document (the “forward work programme”) containing—
- a statement of any priorities of [<sup>F15</sup>the GCCNI] for the year in relation to designated consumers generally or any description of designated consumers;
  - a general description of the main activities (including any projects) which it plans to undertake during the year in relation to designated consumers generally or any description of designated consumers;
  - a statement of any other priorities of [<sup>F16</sup>the GCCNI] for the year;
  - a general description of any other projects which it plans to undertake during the year (other than those comprising routine activities in the exercise of its functions).
- (2) The description of a project under subsection (1)(b) or (d) must include the objectives of the project.
- (3) The forward work programme for any year must also include—
- an estimate of the overall expenditure which [<sup>F17</sup>the GCCNI] expects to incur during the year in the exercise of its functions, and
  - an estimate of the expenditure (if any) which [<sup>F18</sup>the GCCNI] expects to incur during the year in the exercise of its functions in relation to designated consumers.

<sup>F19</sup>(4) .....

[<sup>F20</sup>(4A) In preparing a draft of the forward work programme for any year, the GCCNI must consult—

- Citizens Advice, and
- Citizens Advice Scotland.]

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- (5) Before publishing the forward work programme for any year, [F21the GCCNI] must publish a notice—
- (a) containing a draft of the forward work programme, and
  - (b) specifying the period within which representations about the proposals contained in it may be made,
- and must consider any representations which are duly made and not withdrawn.
- (6) The notice under subsection (5) must be published by [F22the GCCNI] in such manner as it considers appropriate for the purpose of bringing the matters contained in the notice to the attention of persons likely to have an interest in them.
- (7) [F23The GCCNI] must send a copy of any notice given by it under subsection (5) to—
- (a) the Secretary of State,
  - [F24](b) .....
  - [F24](c) .....
  - (d) the Office of Fair Trading, and
  - (e) any regulatory body which [F25the GCCNI] considers might have an interest in the content of the notice.
- [F26(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.]

#### Textual Amendments

- F12** Words in s. 5 heading inserted (1.4.2014) 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(3), [Sch. 1 para. 12\(7\)\(a\)](#) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F13** Words in s. 5(1) substituted (1.4.2014) 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(3), [Sch. 1 para. 12\(7\)\(b\)\(i\)](#) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F14** Words in s. 5(1) substituted (1.4.2014) 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(3), [Sch. 1 para. 12\(7\)\(b\)\(ii\)](#) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F15** Words in s. 5(1)(a) substituted (1.4.2014) 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(3), [Sch. 1 para. 12\(7\)\(b\)\(iii\)](#) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F16** Words in s. 5(1)(c) substituted (1.4.2014) 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(3), [Sch. 1 para. 12\(7\)\(b\)\(iv\)](#) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F17** Words in s. 5(3)(a) substituted (1.4.2014) 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(3), [Sch. 1 para. 12\(7\)\(c\)\(i\)](#) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F18** Words in s. 5(3)(b) substituted (1.4.2014) 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(3), [Sch. 1 para. 12\(7\)\(c\)\(ii\)](#) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

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- F19** S. 5(4) omitted (1.4.2014) by virtue of 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(3), **Sch. 1 para. 12(7)(d)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F20** S. 5(4A) inserted (1.4.2014) 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(3), **Sch. 1 para. 12(7)(e)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F21** Words in s. 5(5) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(7)(f)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F22** Words in s. 5(6) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(7)(g)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F23** Words in s. 5(7) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(7)(h)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F24** S. 5(7)(b)(c) omitted (1.4.2014) by virtue of 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(3), **Sch. 1 para. 12(7)(h)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F25** Words in s. 5(7)(e) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(7)(h)(iii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F26** S. 5(8)(9) inserted (1.4.2014) 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(3), **Sch. 1 para. 12(7)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

#### Commencement Information

- I3** S. 5 in force at 7.5.2008 by S.I. 2008/1262, **art. 3**

## 6 General provision about functions [F27 of the GCCNI]

- (1) In exercising its functions [F28 the GCCNI] must comply with the requirements of this section.
- (2) [F29 The GCCNI] must have regard to the forward work programme published under section 5.
- (3) [F30 The GCCNI] must have regard to the interests of consumers in different areas.
- (4) [F31 The GCCNI] must have regard to the interests of consumers that are one or more of the following—
  - (a) disabled or chronically sick individuals;
  - (b) individuals of pensionable age;
  - (c) individuals with low incomes;
  - (d) individuals residing in rural areas.
- (5) But nothing in subsection (4) is to be taken as implying that regard may not be had to the interests of other descriptions of consumers.
- (6) [F32 The GCCNI] must have regard to the need to use its resources in the most efficient and economic way.

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(7) In discharging the duty imposed by subsection (6), [<sup>F33</sup> the GCCNI] must take account of the existence of any other public bodies with the same functions as, or similar functions to, those of [<sup>F33</sup> the GCCNI] and the activities carried on by such bodies.

(8) [<sup>F34</sup>The GCCNI] must exercise its functions in the manner which it considers is best calculated to contribute to the achievement of sustainable development.

<sup>F35</sup>(9) . . . . .

(10) A person is of pensionable age for the purposes of this section if—

- (a) the person has attained pensionable age (within the meaning given by the rules in paragraph 1 of Schedule 4 to the Pensions Act 1995 (c. 26)), or
- (b) in the case of a man born before [<sup>F36</sup> 6 December 1953], he is the same age as a woman who has attained pensionable age (within the meaning so given).

#### Textual Amendments

- F27** Words in s. 6 heading inserted (1.4.2014) 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(3), **Sch. 1 para. 12(8)(a)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F28** Words in s. 6(1) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(8)(b)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F29** Words in s. 6(2) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(8)(c)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F30** Words in s. 6(3) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(8)(c)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F31** Words in s. 6(4) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(8)(c)(iii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F32** Words in s. 6(6) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(8)(c)(iv)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F33** Words in s. 6(7) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(8)(b)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F34** Words in s. 6(8) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(8)(c)(v)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F35** S. 6(9) omitted (1.4.2014) by virtue of [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(3), **Sch. 1 para. 12(8)(d)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F36** Words in s. 6(10)(b) substituted (3.1.2012) by [Pensions Act 2011 \(c. 19\)](#), s. 38(3)(a), **Sch. 1 para. 7**

#### Commencement Information

- I4** S. 6(1)(3)-(10) in force at 21.12.2007 by [S.I. 2007/3546](#), art. 3, **Sch.**
- I5** S. 6(2) in force at 1.10.2008 by [S.I. 2008/2550](#), art. 2, **Sch.**

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## <sup>F37</sup>6A Exercise of functions of consumer advocacy bodies

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.]

### Textual Amendments

**F37** S. 6A inserted (1.4.2014) 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(3), [Sch. 1 para. 12\(9\)](#) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

### *Annual report*

## <sup>F38</sup> 7 Annual report

### Textual Amendments

**F38** S. 7 omitted (1.4.2014) by virtue of [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(3), [Sch. 1 para. 12\(10\)](#) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

## <sup>F39</sup> 7A Annual report on Scottish Water related activities

### Textual Amendments

**F39** S. 7A omitted (1.4.2014) by virtue of [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(3), [Sch. 1 para. 12\(11\)](#) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

### *The core functions*

## 8 The representative function

- (1) [<sup>F40</sup>The GCCNI] may—
- (a) provide advice and information to persons within subsection (2) about consumer matters,
  - (b) make proposals to such persons about consumer matters, and
  - (c) represent the views of consumers on consumer matters to such persons.
- (2) Those persons are—
- (a) any Minister of the Crown or government department;
  - (b) the Scottish Ministers;
  - (c) the Welsh Ministers;



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- (d) any regulatory body established by or under an enactment;
  - (e) the European Commission or any other international organisation;
  - (f) any other person whom [<sup>F41</sup>the GCCNI] considers might have an interest in the matter in question.
- (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,
- whenever passed or made.

#### Textual Amendments

- F40** Words in s. 8(1) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(12)(a)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F41** Words in s. 8(2)(f) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(12)(b)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

#### Commencement Information

- I6** S. 8 in force at 1.10.2008 by [S.I. 2008/2550](#) , art. 2 , **Sch.**

## 9 The research function

- [<sup>F42</sup>The GCCNI] may obtain and keep under review—
- (a) information about consumer matters,
  - (b) information about the views of consumers on consumer matters, and
  - (c) information of such other description as may be prescribed by the Secretary of State by order.

#### Textual Amendments

- F42** Words in s. 9 substituted (1.4.2014) 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(3), **Sch. 1 para. 12(13)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

#### Commencement Information

- I7** S. 9 in force at 21.12.2007 by [S.I. 2007/3546](#) , art. 3 , **Sch.**

## 10 The information function

- (1) [<sup>F43</sup>The GCCNI] may facilitate the dissemination to consumers of advice and information—
- (a) about [<sup>F44</sup>the GCCNI] and its functions,
  - (b) about consumer matters, and
  - (c) about such other matters as may be prescribed by the Secretary of State by order.

*Status: Point in time view as at 01/04/2018.*

**Changes to legislation:** Consumers, Estate Agents and Redress Act 2007, Part 1 is up to date with all changes known to be in force on or before 06 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)

- ( 2 ) In exercising the power conferred by subsection (1) [<sup>F45</sup> the GCCNI] may (among other things)—
- (a) publish or otherwise make available information in any manner [<sup>F46</sup> the GCCNI] thinks appropriate for the purpose of bringing it to the attention of those likely to be interested;
  - (b) support (financially or otherwise), facilitate or co-ordinate the activities of other persons.

#### Textual Amendments

- F43** Words in s. 10(1) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(14)(a)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F44** Words in s. 10(1)(a) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(14)(a)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F45** Words in s. 10(2) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(14)(b)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F46** Words in s. 10(2)(a) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(14)(b)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

#### Commencement Information

- I8** S. 10(1)(a)(2) in force at 21.12.2007 by [S.I. 2007/3546](#) , art. 3 , **Sch.**
- I9** S. 10(1)(b)(c) in force at 1.10.2008 in so far as not already in force by [S.I. 2008/2550](#) , art. 2 , **Sch.**

### *Powers of investigation*

## 11 General powers of investigation

- (1) [<sup>F47</sup>The GCCNI] may investigate—
- (a) a complaint made by or on behalf of a consumer which appears to [<sup>F48</sup>the GCCNI] to raise one or more issues of general relevance [<sup>F49</sup> concerning consumer matters that relate to postal services in Northern Ireland. ]
  - (b) any matter which appears to [<sup>F50</sup> the GCCNI] to be, or to be related to, a problem which affects or may affect [<sup>F51</sup> consumers of postal services in Northern Ireland. ]
- (2) For this purpose, a complaint raises an issue of general relevance if it raises—
- (a) a novel issue which affects or may affect consumers generally or consumers of a particular description, or
  - (b) any other issue which has or may have an important effect on consumers generally or consumers of a particular description.

#### Textual Amendments

- F47** Words in s. 11(1) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(15)(a)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

*Status: Point in time view as at 01/04/2018.*

*Changes to legislation: Consumers, Estate Agents and Redress Act 2007, Part 1 is up to date with all changes known to be in force on or before 06 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)*

- F48** Words in s. 11(1)(a) substituted (1.4.2014) 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(3), Sch. 1 para. 12(15)(a)(ii)(**aa**) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F49** Words in s. 11(1)(a) inserted (1.4.2014) 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(3), Sch. 1 para. 12(15)(a)(ii)(**bb**) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F50** Words in s. 11(1)(b) substituted (1.4.2014) 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(3), Sch. 1 para. 12(15)(a)(iii)(**aa**) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F51** Words in s. 11(1)(b) substituted (1.4.2014) 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(3), Sch. 1 para. 12(15)(a)(iii)(**bb**) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

#### Commencement Information

- I10** S. 11 in force at 1.10.2008 by S.I. 2008/2550, art. 2, Sch.

## 12 Investigation of complaints made by vulnerable designated consumers

- (1) Subsection (3) applies to a complaint which is made—
- by or on behalf of a vulnerable person in that person's capacity as a designated consumer (“the designated consumer”),
  - against a person (“the supplier”) who in the course of a business carried on by the supplier supplies or seeks to supply, or refuses to supply, goods or services to the designated consumer, and
  - in respect of a matter connected with the supply of goods or services by the supplier to the designated consumer or a refusal by the supplier to supply goods or services to the designated consumer.
- (2) For this purpose a person is “vulnerable” if [<sup>F52</sup>the consumer advocacy body to which the complaint is referred] is satisfied that it is not reasonable to expect that person to pursue the complaint on that person's own behalf.
- (3) Where a complaint to which this subsection applies is referred to [<sup>F53</sup>a consumer advocacy body] by or on behalf of the designated consumer, [<sup>F54</sup>that consumer advocacy body] may investigate the complaint for the purpose of determining whether it is appropriate to take any action under subsection (4).
- (4) Where it appears to [<sup>F55</sup>a consumer advocacy body] to be appropriate to do so with a view to assisting in reaching a satisfactory resolution of a complaint referred to it under this section, [<sup>F56</sup>that consumer advocacy body] may—
- provide advice to the designated consumer or, if the complaint was made by another person on the designated consumer's behalf, that person;
  - make representations on behalf of the designated consumer to the supplier about anything to which the complaint relates.
- [<sup>F57</sup>(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.

*Status: Point in time view as at 01/04/2018.*

*Changes to legislation: Consumers, Estate Agents and Redress Act 2007, Part 1 is up to date with all changes known to be in force on or before 06 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)*

- (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. ]

#### Textual Amendments

- F52** Words in s. 12(2) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(16)(a)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F53** Words in s. 12(3) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(16)(b)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F54** Words in s. 12(3) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(16)(b)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F55** Words in s. 12(4) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(16)(c)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F56** Words in s. 12(4) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(16)(c)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F57** S. 12(5)(6) inserted (1.4.2014) 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(3), **Sch. 1 para. 12(16)(d)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

#### Commencement Information

- I11** S. 12 in force at 1.10.2008 by [S.I. 2008/2550](#), art. 2, **Sch.**

### 13 Investigation of complaints relating to disconnection of gas or electricity

(1) This section applies to—

- (a) a complaint by a gas consumer against a gas transporter, in respect of the disconnection of, or a threat to disconnect, the consumer's premises by the gas transporter;
- (b) a complaint by a gas consumer against a gas transporter, following such a disconnection, in respect of a refusal by the gas transporter to reconnect the premises;
- (c) a complaint by a gas consumer against a gas supplier, in respect of the cutting off of, or a threat to cut off, a supply of gas to the consumer's premises by the gas supplier;
- (d) a complaint by a gas consumer against a gas supplier, following such a cutting off, in respect of a refusal by the gas supplier to restore the supply to the premises;
- (e) a complaint by a gas consumer against a gas supplier, in respect of the failure of a prepayment system;
- (f) a complaint by an electricity consumer against an electricity supplier, an electricity distributor or a transmission licence holder, in respect of the disconnection of, or a threat to disconnect, the consumer's premises by the electricity supplier, electricity distributor or licence holder;

*Status: Point in time view as at 01/04/2018.*

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- (g) a complaint by an electricity consumer against an electricity supplier, electricity distributor or transmission licence holder, following such a disconnection by the supplier, distributor or licence holder, in respect of a refusal by the supplier, distributor or licence holder to reconnect the premises;
      - (h) a complaint by an electricity consumer against an electricity supplier, in respect of the failure of a prepayment system.
- (2) Where a complaint to which this section applies is referred to<sup>F58</sup> a consumer advocacy body] by or on behalf of the complainant, <sup>F59</sup> that consumer advocacy body] must investigate the complaint for the purpose of determining whether it is appropriate to take any action under subsection (3).
- (3) Where it appears to <sup>F60</sup> a consumer advocacy body] to be appropriate to do so with a view to assisting in reaching a satisfactory resolution of a complaint referred to it under this section, <sup>F61</sup> that consumer advocacy body] must—
  - (a) provide advice to the complainant, or
  - (b) make representations on behalf of the complainant to the person against whom the complaint is made about anything to which the complaint relates.
- (4) <sup>F62</sup> A consumer advocacy body] may refuse to investigate a complaint, or part of a complaint, if—
  - (a) the complaint or part appears to <sup>F63</sup> the consumer advocacy body] to be frivolous or vexatious;
  - (b) the complaint or part falls within a class of matter which a regulatory body is under a duty (whether imposed by or under an enactment or otherwise) to investigate;
  - (c) the complaint or part is being dealt with, or <sup>F64</sup> the consumer advocacy body] is satisfied that it would be better dealt with, under an ombudsman scheme or any other redress scheme or in legal proceedings;
  - (d) <sup>F65</sup> the consumer advocacy body] considers that there has been undue delay in the making of the complaint or part, or the provision of evidence to support it;
  - (e) <sup>F66</sup> the consumer advocacy body] considers that there are other compelling reasons why it is inappropriate for the complaint or part to be investigated by <sup>F66</sup> the consumer advocacy body].
- (5) <sup>F67</sup> A consumer advocacy body] may refuse to investigate a complaint until the complainant has taken such steps as appear to <sup>F68</sup> the consumer advocacy body] to be reasonable for the purpose of giving the person against whom the complaint is made a reasonable opportunity to deal with it.
- <sup>F69</sup>(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. ]
- (6) In subsection (1)—
  - (a) in paragraphs (a) and (b) “ disconnection ” in relation to any premises, means disconnection from a main of a gas transporter or the discontinuation of the conveyance of gas to the premises;

*Status: Point in time view as at 01/04/2018.*

**Changes to legislation:** Consumers, Estate Agents and Redress Act 2007, Part 1 is up to date with all changes known to be in force on or before 06 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)

- (b) in paragraphs (b), (d) and (g), the references to a gas consumer or electricity consumer are references to a person who was such a consumer at the time the disconnection of, or cutting off of the supply to, the premises occurred;
- (c) in paragraphs (e) and (h), references to the failure of a prepayment system are references to—
  - (i) a failure in the facilities for payment for the supply of gas or electricity which results in a consumer with a prepayment meter being unable to make a payment for the supply of gas or electricity, or
  - (ii) where a payment has been made for the supply of gas or electricity through a prepayment meter, a case where the supply is not given through the prepayment meter because of a defect in the meter or in the facilities for payment.

[<sup>F70</sup>(6A) In this section, a reference to a consumer advocacy body does not include a reference to the GCCNI . ]

(7) In this section—

“electricity consumer” means an individual who is a consumer in relation to electricity supplied by an authorised supplier;

“enactment” means—

- (a) an Act of Parliament,
- (b) an Act of the Scottish Parliament, or
- (c) a Measure or Act of the National Assembly for Wales,

whenever passed or made;

“gas consumer” means an individual who is a consumer in relation to gas supplied by an authorised supplier;

“the consumer's premises”—

- (a) in relation to an electricity consumer, means the premises to which the electricity supplied to the consumer by the authorised supplier is supplied;
- (b) in relation to a gas consumer, means the premises to which the gas supplied to the consumer is conveyed by the gas transporter;

“redress scheme” means a scheme under which complaints may be made to, and investigated and determined by, an independent person.

#### Textual Amendments

- F58** Words in s. 13(2) substituted (1.4.2014) 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(3), [Sch. 1 para. 12\(17\)\(a\)\(i\)](#) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F59** Words in s. 13(2) substituted (1.4.2014) 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(3), [Sch. 1 para. 12\(17\)\(a\)\(ii\)](#) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F60** Words in s. 13(3) substituted (1.4.2014) 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(3), [Sch. 1 para. 12\(17\)\(b\)\(i\)](#) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F61** Words in s. 13(3) substituted (1.4.2014) 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(3), [Sch. 1 para. 12\(17\)\(b\)\(ii\)](#) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

*Status: Point in time view as at 01/04/2018.*

*Changes to legislation: Consumers, Estate Agents and Redress Act 2007, Part 1 is up to date with all changes known to be in force on or before 06 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)*

- F62** Words in s. 13(4) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(17)(c)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F63** Words in s. 13(4)(a) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(17)(c)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F64** Words in s. 13(4)(c) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(17)(c)(iii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F65** Words in s. 13(4)(d) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(17)(c)(iv)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F66** Words in s. 13(4)(e) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(17)(c)(v)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F67** Words in s. 13(5) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(17)(d)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F68** Words in s. 13(5) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(17)(d)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F69** S. 13(5A)(5B) inserted (1.4.2014) 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(3), **Sch. 1 para. 12(17)(e)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F70** S. 13(6A) inserted (1.4.2014) 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(3), **Sch. 1 para. 12(17)(f)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

#### **Commencement Information**

- I12** S. 13 in force at 1.10.2008 by S.I. 2008/2550 , art. 2 , **Sch.**

## **14 Reference of matters to the Gas and Electricity Markets Authority**

- (1) In this section references to a complaint are to a complaint within section 11(1)(a) or to which section 12(3) or 13 applies.
- (2) Where it appears to [<sup>F71</sup>the consumer advocacy body in question] that a complaint relates to a matter in respect of which any of the Authority's enforcement functions may be exercisable, [<sup>F72</sup>that body] must refer the complaint to the Authority unless it is satisfied that the Authority is already aware of the matter.
- (3) Where a complaint to which section 13 applies is referred to the Authority under subsection (2), [<sup>F73</sup>the consumer advocacy body in question] is not required to investigate the complaint under subsection (2) of that section until the Authority has had a reasonable opportunity to exercise its enforcement functions in relation to the matter to which the complaint relates.
- (4) On investigating a complaint, [<sup>F74</sup>the consumer advocacy body in question] must inform the complainant if it considers that the complaint relates to a matter of a kind which can be referred by the complainant to the Authority under any provision of the Gas Act 1986 (c. 44) or the Electricity Act 1989 (c. 29).

*Status: Point in time view as at 01/04/2018.*

*Changes to legislation: Consumers, Estate Agents and Redress Act 2007, Part 1 is up to date with all changes known to be in force on or before 06 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)*

[<sup>F75</sup>(4A) In this section, a reference to a consumer advocacy body does not include a reference to the GCCNI.]

(5) In this section—

“ the Authority ” means the Gas and Electricity Markets Authority;  
“ enforcement function ”, in relation to the Authority, means any of its functions under section 28 or 30A of the Gas Act 1986 or section 25 or 27A of the Electricity Act 1989.

#### Textual Amendments

- F71** Words in s. 14(2) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(18)(a)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F72** Words in s. 14(2) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(18)(a)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F73** Words in s. 14(3) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(18)(b)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F74** Words in s. 14(4) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(18)(c)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F75** S. 14(4A) inserted (1.4.2014) 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(3), **Sch. 1 para. 12(18)(d)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

#### Commencement Information

- I13** S. 14 in force at 1.10.2008 by [S.I. 2008/2550](#), art. 2, **Sch.**

## 15 [<sup>F76</sup> Reference of postal matters to OFCOM]

- (1) [<sup>F77</sup> A consumer advocacy body ] must refer any complaint within section 11(1)(a), or to which section 12(3) applies, to [<sup>F78</sup> the Office of Communications (“OFCOM”) ] if [<sup>F79</sup> that consumer advocacy body ] considers that—
- the subject matter of the complaint indicates that [<sup>F80</sup> a regulatory condition imposed under Part 3 of the Postal Services Act 2011] has been contravened,
  - the subject matter of the complaint is a referable matter, or
  - it is appropriate to do so.
- (2) [<sup>F81</sup> The consumer advocacy bodies ] and [<sup>F82</sup> OFCOM] must, from time to time, agree the descriptions of matters which are to be referred to [<sup>F82</sup> OFCOM] and, for the purposes of subsection (1)(b), a matter is a “referable matter” if it is of a description for the time being so agreed.

#### Textual Amendments

- F76** S. 15 heading substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), **Sch. 12 para. 177(2)**; [S.I. 2011/2329](#), art. 3



*Status: Point in time view as at 01/04/2018.*

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- F77** Words in s. 15(1) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(19)(a)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F78** Words in s. 15(1) substituted (1.10.2011) by Postal Services Act 2011 (c. 5), s. 93(2)(3), **Sch. 12 para. 177(3)(a)**; S.I. 2011/2329, art. 3
- F79** Words in s. 15(1) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(19)(a)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F80** Words in s. 15(1)(a) substituted (1.10.2011) by Postal Services Act 2011 (c. 5), s. 93(2)(3), **Sch. 12 para. 177(3)(b)**; S.I. 2011/2329, art. 3
- F81** Words in s. 15(2) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(19)(b)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F82** Word in s. 15(2) substituted (1.10.2011) by Postal Services Act 2011 (c. 5), s. 93(2)(3), **Sch. 12 para. 177(4)**; S.I. 2011/2329, art. 3

#### Commencement Information

- I14** S. 15 in force at 1.10.2008 by S.I. 2008/2550, art. 2, **Sch.**

## 16 Investigations relating to public post offices

- [<sup>F83</sup>(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. ]
- (2) In this section “ public post office ” has the same meaning as in the Postal Services Act 2000 (c. 26) (see [<sup>F84</sup> section 125(1) ] of that Act).

#### Textual Amendments

- F83** S. 16(1) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(20)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F84** Words in s. 16(2) substituted (1.10.2011) by Postal Services Act 2011 (c. 5), s. 93(2)(3), **Sch. 12 para. 178**; S.I. 2011/2329, art. 3

#### Commencement Information

- I15** S. 16 in force at 1.10.2008 by S.I. 2008/2550, art. 2, **Sch.**

*Other functions of [<sup>F85</sup>the consumer advocacy bodies]*

#### Textual Amendments

- F85** Words in s. 17 cross-heading substituted (1.4.2014) 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(3), Sch. 1 para. 12(21) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

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## 17 Reports by <sup>F86</sup> the GCCNI

- (1) <sup>F87</sup> The GCCNI may prepare a report in relation to any matter falling within the scope of its functions <sup>F88</sup> under this Act. ]
- (2) <sup>F89</sup> The GCCNI may publish any report prepared under this section.

### Textual Amendments

- F86** Words in s. 17 heading substituted (1.4.2014) 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(3), **Sch. 1 para. 12(22)(a)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F87** Words in s. 17(1) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(22)(b)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F88** Words in s. 17(1) inserted (1.4.2014) 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(3), **Sch. 1 para. 12(22)(b)(ii)** (with Sch. 1 para. 28, Sch. 2 para. 13-15)
- F89** Words in s. 17(2) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(22)(c)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

### Commencement Information

- I16** S. 17 in force at 1.10.2008 by [S.I. 2008/2550](#), art. 2, **Sch.**

## 18 Secretary of State's power to require reports

- (1) The Secretary of State may direct <sup>F90</sup>the GCCNI] to prepare, and submit to the Secretary of State within a specified period, a report in respect of any matter specified in the direction which relates to consumer matters <sup>F91</sup> which relate to postal services in Northern Ireland ].
- (2) The Secretary of State may publish any report submitted under this section.

### Textual Amendments

- F90** Words in s. 18(1) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(23)(a)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F91** Words in s. 18(1) inserted (1.4.2014) 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(3), **Sch. 1 para. 12(23)(b)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

### Commencement Information

- I17** S. 18 in force at 1.10.2008 by [S.I. 2008/2550](#), art. 2, **Sch.**

## 19 Advice, information and guidance

- (1) <sup>F92</sup>The GCCNI] may issue advice or guidance to any person with a view to improving standards of service and promoting best practice in connection with the handling

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of complaints made by consumers or any other matter affecting the interests of consumers.

- (2) [<sup>F93</sup> The GCCNI] may publish advice or information about consumer matters if it appears to [<sup>F94</sup> the GCCNI] that its publication would promote the interests of consumers.
- (3) For this purpose “ information about consumer matters ” includes information about the views of consumers on consumer matters.

#### Textual Amendments

- F92** Words in s. 19(1) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(24)(a)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F93** Words in s. 19(2) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(24)(b)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F94** Words in s. 19(2) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(24)(b)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

#### Commencement Information

- I18** S. 19 in force at 1.10.2008 by [S.I. 2008/2550](#), art. 2, **Sch.**

### [<sup>F95</sup>19A Guidance for energy consumers

- (1) [<sup>F96</sup> A consumer advocacy body] must prepare, and keep under review—
  - (a) guidance for energy consumers (the “energy consumer guidance”), and
  - (b) a summary prepared in accordance with subsection (4) (the “concise guidance”).
- (2) The energy consumer guidance must address the matters included in any document published by the European Commission pursuant to Article 3(16) of the Electricity Directive or Article 3(12) of the Gas Directive.
- (3) The energy consumer guidance may include any other information relating to the rights of energy consumers which [<sup>F97</sup> the consumer advocacy body in question] thinks appropriate.
- (4) The concise guidance must—
  - (a) summarise any information in the energy consumer guidance which [<sup>F98</sup> in the view of the consumer advocacy body in question] is particularly relevant to the interests of energy consumers, and
  - (b) state where a copy of the energy consumer guidance can be obtained.
- (5) In preparing and reviewing [<sup>F99</sup> its energy consumer guidance and its concise guidance][<sup>F100</sup> a consumer advocacy body] must consult—
  - (a) the Secretary of State,
  - (b) the Gas and Electricity Markets Authority, and
  - (c) any other person [<sup>F101</sup> the consumer advocacy body in question] considers appropriate.

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- [<sup>F102</sup>(6) A consumer advocacy body must publish the first version of its energy consumer guidance and its concise guidance on its website.]
- (7) If, following a review, [<sup>F103</sup>a consumer advocacy body] considers it necessary to amend [<sup>F104</sup>its energy consumer guidance and its concise guidance], [<sup>F105</sup>the consumer advocacy body] must, as soon as is reasonably practicable—
- (a) publish the amended version on its website, and
  - (b) inform any person it consulted in accordance with subsection (5) that it has done so.
- (8) [<sup>F106</sup>A consumer advocacy body] may also make the first and any amended version of [<sup>F107</sup>its energy consumer guidance and its concise guidance] available in any other manner [<sup>F108</sup>the consumer advocacy body] thinks appropriate for the purpose of bringing that guidance to the attention of those likely to be interested.
- [ Until a consumer advocacy body has published the first version of its energy consumer  
<sup>F109</sup>(8A) 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] .
- (9) In this section—
- “the Electricity Directive” means Directive [2009/72/ EC](#) of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive [2003/54/ EC](#) ;
- “energy consumer” means an individual who is—
- (a) a consumer in relation to gas supplied by an authorised supplier for consumption by the consumer’s own household;
  - (b) a consumer in relation to electricity supplied by an authorised supplier for consumption by the consumer’s own household;
- “the Gas Directive” means Directive [2009/73/ EC](#) of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive [2003/55/ EC](#) . ]

#### Textual Amendments

**F95** S. 19A inserted (10.11.2011) by [The Electricity and Gas \(Internal Markets\) Regulations 2011 \(S.I. 2011/2704\)](#) , regs. 1(1) , **3(2)**

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- F96** Words in s. 19A(1) substituted (1.4.2014) 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(3) , **Sch. 1 para. 12(25)(a)** (with Sch. 1 para. 28 , Sch. 2 paras. 13-15 )
- F97** Words in s. 19A(3) substituted (1.4.2014) 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(3) , **Sch. 1 para. 12(25)(b)** (with Sch. 1 para. 28 , Sch. 2 paras. 13-15 )
- F98** Words in s. 19A(4)(a) substituted (1.4.2014) 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(3) , **Sch. 1 para. 12(25)(c)** (with Sch. 1 para. 28 , Sch. 2 paras. 13-15 )
- F99** Words in s. 19A(5) substituted (1.4.2014) 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(3) , **Sch. 1 para. 12(25)(d)(i)** (with Sch. 1 para. 28 , Sch. 2 paras. 13-15 )
- F100** Words in s. 19A(5) substituted (1.4.2014) 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(3) , **Sch. 1 para. 12(25)(d)(ii)** (with Sch. 1 para. 28 , Sch. 2 paras. 13-15 )
- F101** Words in s. 19A(5)(c) substituted (1.4.2014) 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(3) , **Sch. 1 para. 12(25)(d)(iii)** (with Sch. 1 para. 28 , Sch. 2 paras. 13-15 )
- F102** S. 19A(6) substituted (1.4.2014) 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(3) , **Sch. 1 para. 12(25)(e)** (with Sch. 1 para. 28 , Sch. 2 paras. 13-15 )
- F103** Words in s. 19A(7) substituted (1.4.2014) 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(3) , **Sch. 1 para. 12(25)(f)(i)** (with Sch. 1 para. 28 , Sch. 2 paras. 13-15 )
- F104** Words in s. 19A(7) substituted (1.4.2014) 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(3) , **Sch. 1 para. 12(25)(f)(ii)** (with Sch. 1 para. 28 , Sch. 2 paras. 13-15 )
- F105** Words in s. 19A(7) substituted (1.4.2014) 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(3) , **Sch. 1 para. 12(25)(f)(iii)** (with Sch. 1 para. 28 , Sch. 2 paras. 13-15 )
- F106** Words in s. 19A(8) substituted (1.4.2014) 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(3) , **Sch. 1 para. 12(25)(g)(i)** (with Sch. 1 para. 28 , Sch. 2 paras. 13-15 )
- F107** Words in s. 19A(8) substituted (1.4.2014) 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(3) , **Sch. 1 para. 12(25)(g)(ii)** (with Sch. 1 para. 28 , Sch. 2 paras. 13-15 )
- F108** Words in s. 19A(8) substituted (1.4.2014) 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(3) , **Sch. 1 para. 12(25)(g)(iii)** (with Sch. 1 para. 28 , Sch. 2 paras. 13-15 )
- F109** S. 19A(8A)-(8C) inserted (1.4.2014) 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(3) , **Sch. 1 para. 12(25)(g)(iv)** (with Sch. 1 para. 28 , Sch. 2 paras. 13-15 )

**F110 20 Duty to enter into co-operation arrangements**

.....

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**Textual Amendments**

**F110** S. 20 omitted (1.4.2014) by virtue of [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(3), **Sch. 1 para. 12(26)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

**F111**  
**20A** **Duty to enter into co-operation arrangements about Scottish Water**  
.....

**Textual Amendments**

**F111** S. 20A omitted (1.4.2014) by virtue of [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(3), **Sch. 1 para. 12(26)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

**F112** **21 Power to co-operate and give assistance**  
.....

**Textual Amendments**

**F112** Ss. 21-23 omitted (1.4.2014) by virtue of [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(3), **Sch. 1 para. 12(26)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

**F112** **22 Voluntary activities**  
.....

**Textual Amendments**

**F112** Ss. 21-23 omitted (1.4.2014) by virtue of [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(3), **Sch. 1 para. 12(26)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

**F112** **23 Supplementary powers etc**  
.....

**Textual Amendments**

**F112** Ss. 21-23 omitted (1.4.2014) by virtue of [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(3), **Sch. 1 para. 12(26)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

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## Information

### 24 Provision of information to <sup>F113</sup>the consumer advocacy bodies]

- (1) <sup>F114</sup>A consumer advocacy body] may, by notice, require a person within subsection (3) to supply it with such information as is specified or described in the notice within such reasonable period as is so specified.
- (2) <sup>F115</sup>In the case of the GCCNI, the] information specified or described in a notice under subsection (1) must be information <sup>F116</sup>the GCCNI] requires for the purpose of exercising its functions.
- <sup>F117</sup>(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.]
- (3) The persons referred to in subsection (1) are—
  - (a) the <sup>F118</sup>Competition and Markets Authority];
  - (b) a designated regulator;
  - (c) any person who supplies goods or services in the course of a business carried on by that person;
  - (d) any other person specified or of a description specified by the Secretary of State by order for the purposes of this subsection.
- (4) A notice under subsection (1) may specify the manner and form in which any information is to be provided.
- (5) Before giving a notice under subsection (1), or specifying the manner or form in which any information is to be provided, <sup>F119</sup>a consumer advocacy body] must have regard to the desirability of minimising the costs, or any other detriment, to the person to whom the notice is to be given.
- (6) If a person within subsection (3)(a) or (b) fails to comply with a notice under subsection (1), the person must, if so required by <sup>F120</sup>the consumer advocacy body in question], give notice to <sup>F121</sup>that body] of the reasons for the failure.
- (7) An order under subsection (3)(d) may provide either—
  - (a) that subsection (6) is to apply in relation to a person specified or of a description specified by the order as it applies to a person within subsection (3) (a) or (b), or
  - (b) that section 26 is to apply in relation to such a person.
- (8) <sup>F122</sup>A consumer advocacy body] may publish any notice received under subsection (6).

*Status: Point in time view as at 01/04/2018.*

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[<sup>F123</sup>(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.]

(9) In this section—

“designated regulator” means—

- (a) the Gas and Electricity Markets Authority;
  - (b) [<sup>F124</sup>the Office of Communications;]
  - (c) the Water Services Regulation Authority;
  - (ca) [<sup>F125</sup>the Water Industry Commission for Scotland;]
  - (d) any other person prescribed by the Secretary of State by order for the purposes of this subsection;
- “goods” includes land or an interest in land.

### Textual Amendments

- F113** Words in s. 24 heading substituted (1.4.2014) 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(3), **Sch. 1 para. 12(27)(a)** (with Sch. 1 para. 28, Sch. 2 para. 13-15)
- F114** Words in s. 24(1) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(27)(b)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F115** Words in s. 24(2) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(27)(c)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F116** Words in s. 24(2) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(27)(c)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F117** S. 24(2A)(2B) inserted (1.4.2014) 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(3), **Sch. 1 para. 12(27)(d)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F118** Words in s. 24(3)(a) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 173** (with art. 3)
- F119** Words in s. 24(5) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(27)(e)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F120** Words in s. 24(6) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(27)(f)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F121** Words in s. 24(6) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(27)(f)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F122** Words in s. 24(8) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(27)(g)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F123** S. 24(8A) inserted (1.4.2014) 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(3), **Sch. 1 para. 12(27)(h)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F124** Words in s. 24(9) substituted (1.10.2011) by Postal Services Act 2011 (c. 5), s. 93(2)(3), **Sch. 12 para. 179**; S.I. 2011/2329, art. 3



*Status: Point in time view as at 01/04/2018.*

*Changes to legislation: Consumers, Estate Agents and Redress Act 2007, Part 1 is up to date with all changes known to be in force on or before 06 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)*

**F125** Words in s. 24(9) inserted (S.) (15.8.2011) by Public Services Reform (Scotland) Act 2010 (asp 8) , s. 134(7)(8) , **Sch. 2 para. 19** ; S.S.I. 2011/278 , art. 2(d)

#### Commencement Information

**I19** S. 24 in force at 1.10.2008 by S.I. 2008/2550 , art. 2 , **Sch.**

## 25 Enforcement by regulator of section 24 notice

- (1) Where a regulated provider fails to comply with a notice under section 24(1), [<sup>F126</sup>the consumer advocacy body in question] may refer the failure to—
- a person prescribed by the Secretary of State by order for the purposes of this section, or
  - if no person has been so prescribed, the relevant regulator.
- (2) Subsection (1) applies only to the extent that the notice relates to information which is held or may be obtained by the regulated provider in [<sup>F127</sup>the person's capacity] as a regulated provider.
- (3) For the purposes of this section—
- “ designated investigator ”, in relation to a failure to comply with a notice under section 24(1), means the person to whom the failure is referred under subsection (1);
- “ regulated provider ” means a person listed in the first column of the following table;
- “ relevant regulator ”, in relation to a regulated provider, means the body listed in relation to the regulated provider in the second column of that table.

TABLE

<i>Regulated provider</i>	<i>Relevant regulator</i>
A person holding a licence under section 7, 7ZA <sup>F128</sup> or 7A <sup>F128</sup> , 7A or 7AB] of the Gas Act 1986 (c. 44).	The Gas and Electricity Markets Authority.
A person holding a licence under section 6 of the Electricity Act 1989 (c. 29) . <sup>F129</sup> A postal operator.	The Gas and Electricity Markets Authority. The Office of Communications.]
A water undertaker, sewerage undertaker [ <sup>F130</sup> , water supply licensee or sewerage licensee].	The Water Services Regulation Authority.
<sup>F131</sup> The Water Industry Commission for Scotland.	The Water Industry Commission for Scotland.]

- (4) Where a failure is referred under subsection (1), the designated investigator must—
- consider any representations made by [<sup>F132</sup>the consumer advocacy body] or the regulated provider, and
  - determine whether the regulated provider is entitled to refuse to comply with the notice by virtue of provision made under section 28 (exemptions from requirements to provide information).

*Status: Point in time view as at 01/04/2018.*

*Changes to legislation: Consumers, Estate Agents and Redress Act 2007, Part 1 is up to date with all changes known to be in force on or before 06 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)*

- (5) If the designated investigator determines that the regulated provider is not entitled to refuse to comply with the notice, the designated investigator must direct the regulated provider to comply with it.
- (6) The designated investigator must give [<sup>F133</sup>the consumer advocacy body] and the regulated provider notice of—
- (a) a determination under subsection (4)(b) and the reasons for it, and
  - (b) any direction under subsection (5).
- [<sup>F134</sup>(6A) An obligation imposed by virtue of subsection (5) on a postal operator is enforceable by OFCOM under Schedule 7 to the Postal Services Act 2011 (enforcement of regulatory requirements). ]
- (7) An obligation imposed by virtue of subsection (5) on a water undertaker, sewerage undertaker [<sup>F135</sup>, water supply licensee or sewerage licensee] is enforceable by the Water Services Regulation Authority under section 18 of the Water Industry Act 1991 (c. 56) (orders for securing compliance).
- (8) Schedule 2 makes provision about the enforcement of obligations imposed by virtue of subsection (5) on other regulated providers.

#### Textual Amendments

- F126** Words in s. 25(1) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(28)(a)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F127** Words in s. 25(2) substituted (1.4.2017) by [Water Act 2014 \(c. 21\)](#), s. 94(3), **Sch. 7 para. 138(2)**; S.I. 2017/462, art. 3(k)(xxv)
- F128** Words in s. 25(3) substituted (E.W.S.) (19.9.2012) by [The Electricity and Gas \(Smart Meters Licensable Activity\) Order 2012 \(S.I. 2012/2400\)](#), arts. 1, **32**
- F129** Words in s. 25(3) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), **Sch. 12 para. 180(2)**; S.I. 2011/2329, art. 3
- F130** Words in s. 25(3) substituted (1.4.2017) by [Water Act 2014 \(c. 21\)](#), s. 94(3), **Sch. 7 para. 138(3)**; S.I. 2017/462, art. 3(k)(xxv)
- F131** Words in s. 25(3) inserted (S.) (15.8.2011) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7)(8), **Sch. 2 para. 20**; S.S.I. 2011/278, art. 2(d)
- F132** Words in s. 25(4)(a) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(28)(b)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F133** Words in s. 25(6) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(28)(b)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F134** S. 25(6A) inserted (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), **Sch. 12 para. 180(3)**; S.I. 2011/2329, art. 3
- F135** Words in s. 25(7) substituted (1.4.2017) by [Water Act 2014 \(c. 21\)](#), s. 94(3), **Sch. 7 para. 138(4)**; S.I. 2017/462, art. 3(k)(xxv)

#### Commencement Information

- I20** S. 25 in force at 1.10.2008 by [S.I. 2008/2550](#), art. 2, **Sch.**

*Status: Point in time view as at 01/04/2018.*

*Changes to legislation: Consumers, Estate Agents and Redress Act 2007, Part 1 is up to date with all changes known to be in force on or before 06 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)*

## 26 Enforcement by court of section 24 notice

- (1) This section applies where a person (“ the defaulter ”) refuses, or otherwise fails, to comply with a notice given to the defaulter under section 24(1) and the defaulter is—
  - (a) within section 24(3)(c), or
  - (b) a person in relation to whom this section applies by virtue of provision made under section 24(7)(b).
- (2) But this section does not apply in relation to a notice if, or to the extent that, section 25(1) applies in relation to the notice.
- (3) [<sup>F136</sup>The consumer advocacy body in question] may apply to the court for an order requiring the defaulter to comply with the notice or with such directions for the like purpose as may be contained in the order.
- (4) An order under this section may, in particular, provide that all the costs or expenses of and incidental to the application are to be borne—
  - (a) by the defaulter, or
  - (b) if officers of a company or other association are responsible for the failure to comply with the notice, by those officers.
- (5) In this section “the court”—
  - (a) in relation to England and Wales or Northern Ireland, means the High Court, and
  - (b) in relation to Scotland, means the Court of Session.

### Textual Amendments

**F136** Words in s. 26(3) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(29)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

### Commencement Information

**I21** S. 26 in force at 1.10.2008 by [S.I. 2008/2550](#), art. 2, **Sch.**

## 27 Provision of information by [<sup>F137</sup>a consumer advocacy body]

- [<sup>F138</sup>(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
  - (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.]
- (2) The information specified or described in a notice under subsection (1) must be information the authorised person requires for the purpose of exercising its functions.

*Status: Point in time view as at 01/04/2018.*

*Changes to legislation: Consumers, Estate Agents and Redress Act 2007, Part 1 is up to date with all changes known to be in force on or before 06 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)*

- (3) “ Authorised person ” means—
- (a) the [<sup>F139</sup>Competition and Markets Authority];
  - (b) a designated regulator (within the meaning of section 24(9));
  - (c) any person specified or of a description specified by the Secretary of State by order.
- (4) A notice under subsection (1) may specify the manner and form in which any information is to be provided.
- (5) Before giving a notice under subsection (1) or specifying the manner or form in which any information is to be provided, an authorised person must have regard to the desirability of minimising the costs, or any other detriment, to [<sup>F140</sup>the consumer advocacy body in question].
- (6) If [<sup>F141</sup>a consumer advocacy body] fails to comply with a notice under subsection (1), it must, if so required by the authorised person which gave that notice, give notice to the authorised person of the reasons for the failure.
- (7) An authorised person may publish any notice received by it under subsection (6).

#### Textual Amendments

- F137** Words in s. 27 heading substituted (1.4.2014) 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(3), **Sch. 1 para. 12(30)(a)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F138** S. 27(1)(1A) substituted (1.4.2014) for s. 27(1) 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(3), **Sch. 1 para. 12(30)(b)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F139** Words in s. 27(3)(a) substituted (1.4.2014) by *The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892)*, art. 1(1), **Sch. 1 para. 174** (with art. 3)
- F140** Words in s. 27(5) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(30)(c)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F141** Words in s. 27(6) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(30)(d)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

#### Commencement Information

- I22** S. 27 in force at 1.10.2008 by *S.I. 2008/2550*, art. 2, **Sch.**

## 28 Exemptions from requirements to provide information

- (1) The Secretary of State may make regulations prescribing—
- (a) descriptions of persons to whom [<sup>F142</sup>a consumer advocacy body] may not give a notice under section 24(1);
  - (b) descriptions of information which a person may refuse to supply in accordance with a notice under section 24(1) or 27(1);
  - (c) circumstances in which a person may refuse to comply with such a notice.

*Status: Point in time view as at 01/04/2018.*

*Changes to legislation: Consumers, Estate Agents and Redress Act 2007, Part 1 is up to date with all changes known to be in force on or before 06 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)*

- (2) No person may be required by a notice under section 24(1) or 27(1) or a court order under section 26—
- (a) to provide any information which that person could not be compelled to supply in evidence in civil proceedings before the High Court or the Court of Session, or
  - (b) to produce any document which that person could not be compelled to produce in such proceedings.

#### Textual Amendments

**F142** Words in s. 28(1)(a) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(31)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

#### Commencement Information

**I23** S. 28 in force at 1.10.2008 by [S.I. 2008/2550](#), art. 2, **Sch.**

## 29 Disclosure of information

- (1) In Schedule 14 to the Enterprise Act 2002 (c. 40) (restrictions on disclosure: list of enactments under or by virtue of which information is obtained), at the appropriate place in the list insert— “ Consumers, Estate Agents and Redress Act 2007. ”
- (2) In Schedule 15 to that Act (enactments in relation to which disclosure may be made), at the appropriate place in the list insert— “ Consumers, Estate Agents and Redress Act 2007. ”
- (3) For the purposes of Part 9 of the Enterprise Act 2002 (c. 40) (information) the following information is to be regarded as “specified information” within the meaning of that Part—
- (a) information obtained by [<sup>F143</sup>Citizens Advice or Citizens Advice Scotland] under or by virtue of Part 1 of the the Gas Act 1986 (c. 44), Part 1 of the Electricity Act 1989 (c. 29) or the Utilities Act 2000 (c. 27);
  - (b) information obtained by [<sup>F144</sup>the consumer advocacy bodies] under or by virtue of [<sup>F145</sup>the Postal Services Act 2011].
- [<sup>F146</sup>(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

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- (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). ]
- (4) Part 9 of the Enterprise Act 2002 (which among other things restricts the disclosure of certain information) does not limit the information which may be—
- (a) made available by [<sup>F147</sup> the GCCNI] under section 8 or 10,
  - (b) included in, or made public as part of, a report of [<sup>F148</sup> the GCCNI] under any provision of this Part,
  - (c) published by [<sup>F149</sup> the GCCNI] under section 19(2) <sup>F150</sup> ...,
  - <sup>F151</sup>(ca) published or made available by [<sup>F152</sup>Citizens Advice or Citizens Advice Scotland] under [<sup>F153</sup> subsection (7) or (8) ] of section 19A,
  - (cb) published by [<sup>F154</sup>Citizens Advice or Citizens Advice Scotland] under section 24(8), ]
  - (d) published by an authorised person under section 27(7),
  - (e) published by [<sup>F155</sup>a consumer advocacy body] under section 45, or
  - (f) published by [<sup>F156</sup>Citizens Advice or Citizens Advice Scotland] under section 33DA of the Gas Act 1986 or section 42AA of the Electricity Act 1989.
- (5) Before disclosing any specified information by virtue of subsection (4) (other than by publishing it as mentioned in subsection (4)(e) or (f)), [<sup>F157</sup>the consumer advocacy body in question or the] authorised person must consult—
- (a) if the information relates to the affairs of an individual, that individual, and
  - (b) if the information relates to the business of an undertaking, the person for the time being carrying on the business.
- (6) Before disclosing any specified information by virtue of subsection (4) (other than by publishing it as mentioned in subsection (4)(e) or (f)), [<sup>F158</sup>the consumer advocacy body in question or the] authorised person must also have regard to the considerations set out in subsections (2) to (4) of section 244 of the Enterprise Act 2002.

For this purpose, references to “the authority” in those subsections are to be read as references to [<sup>F158</sup>the consumer advocacy body in question or the] the authorised person, as appropriate.

- (7) In this section—

“ authorised person ” has the same meaning as in section 27;

“ specified information ” has the meaning given by section 238(1) of the Enterprise Act 2002.

#### Textual Amendments

- F143** Words in s. 29(3)(a) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(32)(a)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F144** Words in s. 29(3)(b) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(32)(a)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F145** Words in s. 29(3)(b) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), **Sch. 12 para. 181** ; S.I. 2011/2329 , art. 3

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- F146** S. 29 inserted (1.4.2014) 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(3), **Sch. 1 para. 12(32)(b)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F147** Words in s. 29(4)(a) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(32)(c)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F148** Words in s. 29(4)(b) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(32)(c)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F149** Words in s. 29(4)(c) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(32)(c)(iii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F150** Words in s. 29(4)(c) omitted (10.11.2011) by virtue of The Electricity and Gas (Internal Markets) Regulations 2011 (S.I. 2011/2704), regs. 1(1), **3(3)(a)**
- F151** S. 29(4)(ca)(cb) inserted (10.11.2011) by The Electricity and Gas (Internal Markets) Regulations 2011 (S.I. 2011/2704), regs. 1(1), **3(3)(b)**
- F152** Words in s. 29(4)(ca) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(32)(c)(iv)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F153** Words in s. 29(4)(ca) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(32)(c)(v)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F154** Words in s. 29(4)(cb) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(32)(c)(vi)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F155** Words in s. 29(4)(e) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(32)(c)(vii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F156** Words in s. 29(4)(f) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(32)(c)(vii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F157** Words in s. 29(5) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(32)(d)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F158** Words in s. 29(6) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(32)(e)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

#### **Commencement Information**

- I24** S. 29 in force at 1.10.2008 by S.I. 2008/2550, art. 2, **Sch.**

#### *Abolition of consumer bodies*

### **30 Abolition of “Energywatch” and “Postwatch”**

- ( 1 ) The Gas and Electricity Consumer Council is abolished.
- ( 2 ) The Consumer Council for Postal Services is abolished.

*Status: Point in time view as at 01/04/2018.*

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- ( 3 ) Subject to any modifications made by this Act—
- (a) the functions of the Gas and Electricity Consumer Council under the Gas Act 1986 (c. 44), the Electricity Act 1989 (c. 29) and the Utilities Act 2000 (c. 27), and
  - (b) the functions of the Consumer Council for Postal Services under the Postal Services Act 2000 (c. 26),
- are transferred by this section to the Council.
- (4) Accordingly—
- (a) in section 66 of the Gas Act 1986 (general interpretation), for the definition of “the Council” substitute—
 

“ “ the Council ” means the National Consumer Council; ”,
  - (b) in section 111(1) of the Electricity Act 1989 (general interpretation), for the definition of “the Council” substitute—
 

“ “ the Council ” means the National Consumer Council; ”,
  - (c) in section 125(1) of the Postal Services Act 2000 (interpretation), after the definition of “correspondent” insert—
 

“ “ the Council ” means the National Consumer Council; ”, and
  - (d) in section 106(1) of the Utilities Act 2000 (interpretation), for the definition of “Council” substitute—
 

“ “ Council ” means the National Consumer Council; ”.
- ( 5 ) Schedule 3 contains transitional provisions.

#### Commencement Information

- I25** S. 30(1)-(3) (4)(a) (4)(b) (5) in force at 1.10.2008 by [S.I. 2008/2550](#) , [art. 2](#) , [Sch.](#)
- I26** S. 30(4)(c) in force at 21.12.2007 for specified purposes by [S.I. 2007/3546](#) , [art. 3](#) , [Sch.](#)
- I27** S. 30(4)(c)(d) in force at 1.10.2008 in so far as not already in force by [S.I. 2008/2550](#) , [art. 2](#) , [Sch.](#)
- I28** S. 30(4)(d) in force at 21.12.2007 for specified purposes by [S.I. 2007/3546](#) , [art. 3](#) , [Sch.](#)

### 31 Designation of the Consumer Council for Water for abolition

- (1) The Secretary of State may by order designate the Consumer Council for Water for abolition.
- (2) An order under this section must specify the earliest date on which a transfer order or an abolition order under section 32 may take effect in respect of the Consumer Council for Water.
- (3) Before making an order under this section the Secretary of State must consult—
  - (a) the Consumer Council for Water,
  - (b) [F159Citizens Advice] , and
  - (c) such other persons as the Secretary of State considers appropriate.
- (4) An order under this section may only be made with the consent of the Welsh Ministers.



*Status: Point in time view as at 01/04/2018.*

*Changes to legislation: Consumers, Estate Agents and Redress Act 2007, Part 1 is up to date with all changes known to be in force on or before 06 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)*

#### Textual Amendments

**F159** Words in s. 31(3)(b) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(33)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

#### Commencement Information

**I29** S. 31 in force at 1.10.2008 by [S.I. 2008/2550](#), art. 2, **Sch.**

### 32 Transfer orders and abolition orders

- (1) Where the Consumer Council for Water is designated for abolition under section 31, the Secretary of State may make in respect of it—
  - (a) one or more transfer orders;
  - (b) an abolition order.
- (2) A transfer order is an order which provides for the transfer to [<sup>F160</sup>Citizens Advice] of any function of the Consumer Council for Water.
- (3) An abolition order is an order which provides for the abolition of the Consumer Council for Water.
- (4) No provision of an order under this section may take effect before the date specified under section 31(2).

[<sup>F161</sup>(4A) A transfer order may be made only with the consent of Citizens Advice.]

- (5) A transfer order or abolition order may be made only with the consent of the Welsh Ministers.

#### Textual Amendments

**F160** Words in s. 32(2) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(34)(a)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

**F161** S. 32(4A) inserted (1.4.2014) 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(3), **Sch. 1 para. 12(34)(b)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

#### Commencement Information

**I30** S. 32 in force at 1.10.2008 by [S.I. 2008/2550](#), art. 2, **Sch.**

### 33 Supplementary provision about transfer and abolition orders

- (1) This section applies where the Consumer Council for Water has been designated for abolition under section 31.
- (2) In this section “ payment conditions ” means—
  - (a) in the case of an appointment under Chapter 1 of Part 2 of the Water Industry Act 1991 (c. 56), conditions included in the appointment by virtue of section 11(1)(c) of that Act, and

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- (b) in the case of a water supply licence under Chapter 1A of that Part, conditions included in the licence by virtue of section 17G(1)(b) of that Act.
- (3) The payment conditions of such an appointment or licence may (without prejudice to the generality of sections 11(1)(c) and 17G(1)(b) of that Act) require the payment by the company holding the appointment or licence of sums relating to any of the expenses mentioned in subsection (4).
- (4) Those expenses are—
- (a) the appropriate proportion of the expenses of [<sup>F162</sup>Citizens Advice] (other than those expenses within paragraph (b) and [<sup>F163</sup> any expenses which relate to taking on functions transferred from the Consumer Council for Water ] );
  - (b) any expenses of [<sup>F164</sup>Citizens Advice] , the Secretary of State or the Consumer Council for Water which relate to a transfer scheme made in respect of the Consumer Council for Water under section 35(2)(a) or (7);
  - (c) the expenses of the Secretary of State which relate to the abolition of the Consumer Council for Water;
  - (d) the expenses of [<sup>F165</sup>Citizens Advice] expanding [<sup>F166</sup> a qualifying consumer advice scheme ] to enable it to cater for water consumers;
  - (e) the appropriate proportion of the expenses of [<sup>F167</sup>Citizens Advice] on, or in connection with, the support of [<sup>F168</sup> a qualifying consumer advice scheme ] .
- (5) The “appropriate proportion” of any relevant expenses means such proportion of the expenses as the Secretary of State considers is reasonable having regard to—
- (a) in the case of expenses within subsection (4)(a), the functions exercisable by [<sup>F169</sup>Citizens Advice] in relation to water consumers;
  - (b) in the case of expenses within subsection (4)(e), the functions under [<sup>F170</sup>a qualifying consumer advice scheme] which are exercisable in relation to water consumers.
- (6) The Authority may, in accordance with this section, modify any payment conditions where it considers it necessary or expedient to do so in consequence of, or of preparations for—
- (a) the abolition of the Consumer Council for Water, or
  - (b) a transfer order or abolition order under section 32.
- (7) The Authority may, in accordance with this section, make such incidental or consequential modifications of the other conditions which are included in—
- (a) an appointment under Chapter 1 of Part 2 of the Water Industry Act 1991 (c. 56), or
  - (b) a water supply licence under Chapter 1A of that Part,
- as it considers necessary or expedient in consequence of, or of preparations for, an event mentioned in subsection (6)(a) or (b).
- (8) Before modifying under subsection (6) or (7) the conditions included in an appointment or licence, the Authority must consult the company holding the appointment or licence.
- (9) The Secretary of State may, after consulting the Welsh Ministers, give directions to the Authority for the purpose of securing that sums relating to any of the expenses mentioned in subsection (4) are included in the sums payable by virtue of payment conditions; and the Authority must comply with any such direction.

*Status: Point in time view as at 01/04/2018.*

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[<sup>F171</sup>(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. ]

(10) In this section—

“ the Authority ” means the Water Services Regulation Authority;

<sup>F172</sup> ...

“ water consumers ” means consumers in relation to services provided by a water undertaker, a sewerage undertaker [<sup>F173</sup>, a water supply licensee or a sewerage licensee] , in [<sup>F174</sup>the undertaker's or licensee's capacity] as such.

### Textual Amendments

- F162** Words in s. 33(4)(a) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(35)(a)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F163** Words in s. 33(4)(a) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(35)(a)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F164** Words in s. 33(4)(b) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(35)(a)(iii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F165** Words in s. 33(4)(d) inserted (1.4.2014) 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(3), **Sch. 1 para. 12(35)(a)(iv)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F166** Words in s. 33(4)(d) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(35)(a)(v)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F167** Words in s. 33(4)(e) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(35)(a)(vi)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F168** Words in s. 33(4)(e) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(35)(a)(vii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F169** Words in s. 33(5)(a) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(35)(b)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F170** Words in s. 33(5)(b) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(35)(b)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F171** S. 33(9A) inserted (1.4.2014) 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(3), **Sch. 1 para. 12(35)(c)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F172** Words in s. 33(10) omitted (1.4.2014) by virtue of 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(3), **Sch. 1 para. 12(35)(d)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F173** Words in s. 33(10) substituted (1.4.2017) by Water Act 2014 (c. 21), s. 94(3), **Sch. 7 para. 139(a)**; S.I. 2017/462, art. 3(k)(xxv)
- F174** Words in s. 33(10) substituted (1.4.2017) by Water Act 2014 (c. 21), s. 94(3), **Sch. 7 para. 139(b)**; S.I. 2017/462, art. 3(k)(xxv)

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#### Commencement Information

**I31** S. 33 in force at 1.10.2008 by [S.I. 2008/2550](#), art. 2, [Sch.](#)

*Abolition: supplementary provision*

### 34 Compensation for loss of office

- (1) The Secretary of State may pay such sums as the Secretary of State may, with the approval of the Treasury, determine by way of compensation to any person who—
- (a) ceases to be a member of the Consumer Council for Postal Services, the Gas and Electricity Consumer Council, or the Consumer Council for Water by virtue of the abolition of the body in question by or under this Part, or
  - (b) ceases to be a member of the company called the National Consumer Council (a company limited by guarantee and registered under the Companies Acts) by virtue of its dissolution.
- (2) The compensation is payable in respect of loss of office, or loss or diminution of pension rights.

#### Commencement Information

**I32** S. 34 in force at 1.10.2008 by [S.I. 2008/2550](#), art. 2, [Sch.](#)

### 35 Transfer of property etc

- (1) This section applies to—
- <sup>F175</sup>(a) .....
  - <sup>F175</sup>(b) .....
  - (c) if a transfer order has been made under section 32 (whether or not it has taken effect), the Consumer Council for Water;
  - <sup>F175</sup>(d) .....
- (2) The Secretary of State may direct a body to which this section applies—
- (a) to make a scheme or schemes for the transfer of its property, rights and liabilities to [<sup>F176</sup>Citizens Advice] ;
  - (b) to transfer such property, rights or obligations as are specified in the direction to a person (other than [<sup>F176</sup>Citizens Advice]) so specified (“the specified transferee”).
- (3) Before giving, varying or revoking a direction under subsection (2), the Secretary of State must consult—
- (a) the body to which the direction is to be or has been given,
  - (b) [<sup>F177</sup>Citizens Advice], and
  - (c) in the case of a direction under subsection (2)(b), the specified transferee.
- (4) A body given a direction under subsection (2)(a) must consult [<sup>F178</sup>Citizens Advice] before making a transfer scheme.
- (5) A transfer scheme made pursuant to a direction under subsection (2)(a) has effect—
- (a) only if approved by the Secretary of State, and

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- (b) subject to any modifications made by the Secretary of State.
- (6) Before making any modifications the Secretary of State must consult the body to which the direction was given.
- (7) The Secretary of State may make a scheme or schemes for the transfer to [<sup>F179</sup>Citizens Advice] of the property, rights and liabilities of a body to which this section applies.
- (8) Schedule 4 makes further provision about transfer schemes.
- (9) In this section “ transfer scheme ” means a scheme made under or by virtue of subsection (2)(a) or (7).

#### Textual Amendments

- F175** S. 35(1)(a)(b)(d) omitted (1.4.2014) by virtue of [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(3), **Sch. 1 para. 12(36)(a)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F176** Words in s. 35(2) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(36)(b)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F177** Words in s. 35(3)(b) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(36)(c)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F178** Words in s. 35(4) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(36)(d)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F179** Words in s. 35(7) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(36)(e)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

#### Commencement Information

- I33** S. 35 in force at 21.12.2007 by [S.I. 2007/3546](#) , art. 3 , **Sch.**

## 36 Directions

- (1) The Secretary of State may direct a body to which section 35 applies to supply to the Secretary of State such information specified or described in the direction as the Secretary of State may require in relation to—
  - (a) the body's property, rights or liabilities, or
  - (b) the exercise by the body of its functions.
- (2) A direction under subsection (1)—
  - (a) must specify the period within which the information is to be provided, and
  - (b) may require the information to be supplied in a specified form.
- (3) A body given a direction under subsection (1) must comply with it within the specified period.
- (4) The Secretary of State may direct a body to which section 35 applies not to take any action of a specified kind, or in specified circumstances.

*Status: Point in time view as at 01/04/2018.*

**Changes to legislation:** Consumers, Estate Agents and Redress Act 2007, Part 1 is up to date with all changes known to be in force on or before 06 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)

- (5) Before giving, varying or revoking a direction under this section, the Secretary of State must consult—
- (a) the body to which the direction is to be or has been given, and
  - (b) [<sup>F180</sup>Citizens Advice] .
- (6) In this section “ specified ” means specified in the direction given by the Secretary of State.

#### Textual Amendments

**F180** Words in s. 36(5)(b) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(37)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

#### Commencement Information

**I34** S. 36 in force at 21.12.2007 by [S.I. 2007/3546](#) , art. 3 , **Sch.**

*Alteration of [<sup>F181</sup>the functions of Citizens Advice and Citizens Advice Scotland]*

#### Textual Amendments

**F181** Words in s. 37 cross-heading substituted (1.4.2014) 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(3), Sch. 1 para. 12(38) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

### 37 [<sup>F182</sup>Extension of the functions of Citizens Advice and Citizens Advice Scotland ]

- (1) The Secretary of State may, by order, confer on [<sup>F183</sup>Citizens Advice or Citizens Advice Scotland] any other function or functions if the Secretary of State considers that it is in the interests of consumers generally, or consumers of a particular description, to do so.
  - (2) The Secretary of State may only confer a function on [<sup>F184</sup>Citizens Advice or Citizens Advice Scotland] under this section if the function appears to the Secretary of State to be connected (directly or indirectly) to an existing or former function of the Council.
  - (3) Before making an order under subsection (1), the Secretary of State must consult—
    - (a) [<sup>F185</sup>the body on which the Secretary of State proposes to confer a function or functions],
    - (b) if it appears to the Secretary of State that the exercise of any function conferred by the order might affect Wales in relation to any matter as respects which functions are exercisable by the Welsh Ministers, those Ministers, and
    - (c) such other persons as the Secretary of State considers appropriate.
- [<sup>F186</sup>(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.]

*Status: Point in time view as at 01/04/2018.*

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- (4) An order under this section may not make provision which would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament.
- (5) An order under this section which makes provision which would be within the legislative competence of the National Assembly for Wales if it were contained in <sup>F187</sup>[an Act of the Assembly] may only be made with the consent of the Assembly.
- (6) In subsection (5) “ the Assembly Act provisions ” has the meaning given by section 103(8) of the Government of Wales Act 2006 (c. 32).

#### Textual Amendments

- F182** Words in s. 37 heading substituted (1.4.2014) 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(3), **Sch. 1 para. 12(39)(a)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F183** Words in s. 37(1) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(39)(b)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F184** Words in s. 37(2) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(39)(c)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F185** Words in s. 37(3)(a) substituted (1.4.2014) 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(3), **Sch. 1 para. 12(39)(d)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F186** S. 37(3A) inserted (1.4.2014) 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(3), **Sch. 1 para. 12(39)(e)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F187** Words in s. 37(5) substituted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), s. 71(4), **Sch. 6 para. 70** (with Sch. 7 paras. 1, 6); [S.I. 2017/1179](#), reg. 3(r)

#### Commencement Information

- I35** S. 37 in force at 1.10.2008 by [S.I. 2008/2550](#) , art. 2 , **Sch.**

### <sup>F188</sup>38 Removal of the Council's functions in relation to Northern Ireland

.....

#### Textual Amendments

- F188** S. 38 omitted (1.4.2014) by virtue of [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(3), **Sch. 1 para. 12(40)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

*Representation on other consumer panels*

### <sup>F189</sup>39 The Financial Services Consumer Panel

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*Status: Point in time view as at 01/04/2018.*

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#### Textual Amendments

**F189** S. 39 repealed (1.4.2013) by [Financial Services Act 2012 \(c. 21\)](#), s. 122(3), [Sch. 19](#) (with [Sch. 20](#)); [S.I. 2013/423](#), [Sch.](#)

#### Commencement Information

**I36** S. 39 in force at 21.12.2007 by [S.I. 2007/3546](#), [art. 3](#), [Sch.](#)

## 40 The OFCOM Consumer Panel

In section 17 of the Communications Act 2003 (c. 21) (membership etc of the Consumer Panel)—

(a) after subsection (4) insert—

“(4A) The Secretary of State may direct OFCOM to appoint as a member of the Consumer Panel a person specified by the Secretary of State who—

- (a) is a non-executive member of the National Consumer Council, and
- (b) is nominated for the purposes of this subsection by the National Consumer Council after consultation with OFCOM.

(4B) Only one person may, at any time, be a member of the Consumer Panel appointed in accordance with a direction under subsection (4A); but that does not prevent OFCOM appointing as a member of the Consumer Panel any person who is also a member of the National Consumer Council.

(4C) A person appointed in accordance with a direction under subsection (4A) ceases to be a member of the Panel on ceasing to be a non-executive member of the National Consumer Council.”, and

(b) in subsection (5) for “subsection (3) or (4)” substitute “ subsections (3) to (4A) ” .

#### Commencement Information

**I37** S. 40 in force at 21.12.2007 by [S.I. 2007/3546](#), [art. 3](#), [Sch.](#)

### *[<sup>F190</sup>Provision about consumer advocacy bodies*

#### Textual Amendments

**F190** Ss. 40A, 40B and cross-heading inserted (1.4.2014) 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\(3\)](#), [Sch. 1 para. 12\(41\)](#) (with [Sch. 1 para. 28](#), [Sch. 2 paras. 13-15](#))



*Status: Point in time view as at 01/04/2018.*

*Changes to legislation: Consumers, Estate Agents and Redress Act 2007, Part 1 is up to date with all changes known to be in force on or before 06 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)*

#### **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;
  - (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.
- (4) In this section—

“charity trustee” in relation to Citizens Advice, has the meaning given by section 177 of the Charities Act 2011 and in relation to Citizens Advice Scotland, has the meaning given by section 106 of the Charities and Trustee Investment (Scotland) Act 2005 ;

“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.]

*Status: Point in time view as at 01/04/2018.*

*Changes to legislation: Consumers, Estate Agents and Redress Act 2007, Part 1 is up to date with all changes known to be in force on or before 06 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)*

## *Interpretation*

### 41 Interpretation of Part 1

( 1 ) In this Part—

“ distribution system ” has the meaning given by section 4(4) of the Electricity Act 1989 (c. 29);

<sup>F191</sup> ...

“ functions ” includes powers and duties;

“ gas ” has the meaning given by section 48(1) of the Gas Act 1986 (c. 44);

<sup>F192</sup> ...

“ modify ” includes amend, add to, revoke or repeal (and references to “modification” are to be read accordingly);

[<sup>F193</sup> “ postal operator ” has the same meaning as in Part 3 of the Postal Services Act 2011 (see section 65 of that Act); ]

“ postal services ” has the same meaning as in the [<sup>F194</sup> Part 3 of the Postal Services Act 2011 (see section 65 of that Act) ] ;

“ regulatory body ” means a person who exercises regulatory functions in relation to a particular description of persons with a view to ensuring compliance with particular standards of conduct (whether statutory or non-statutory) by those persons;

<sup>F195</sup> ...

[<sup>F196</sup> “sewerage licensee” means a person holding a sewerage licence under Chapter 1A of Part 2 of the Water Industry Act 1991;]

[<sup>F196</sup> “water supply licensee” means a person holding a water supply licence under Chapter 1A of Part 2 of the Water Industry Act 1991.]

(2) In this Part—

- (a) expressions used, as regards matters relating to gas, which are defined in section 48 of the Gas Act 1986 have the same meaning as in Part 1 of that Act, and
- (b) expressions used, as regards matters relating to electricity, which are defined in section 64 of the Electricity Act 1989, have the same meaning as in Part 1 of that Act.

#### Textual Amendments

**F191** Words in s. 41 omitted (1.4.2014) by virtue of [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(3), **Sch. 1 para. 12(42)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

**F192** Words in s. 41(1) repealed (1.4.2017) by [Water Act 2014 \(c. 21\)](#), s. 94(3), **Sch. 7 para. 140(a)**; S.I. 2017/462, art. 3(k)(xxv)

**F193** Words in s. 41 inserted (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), **Sch. 12 para. 182(2)**; S.I. 2011/2329, art. 3

**F194** Words in s. 41 substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), **Sch. 12 para. 182(3)**; S.I. 2011/2329, art. 3

**F195** Words in s. 41 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), **Sch. 12 para. 182(4)**; S.I. 2011/2329, art. 3

**F196** Words in s. 41(1) inserted (1.4.2017) by [Water Act 2014 \(c. 21\)](#), s. 94(3), **Sch. 7 para. 140(b)**; S.I. 2017/462, art. 3(k)(xxv)

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*Status: Point in time view as at 01/04/2018.*

**Changes to legislation:** Consumers, Estate Agents and Redress Act 2007, Part 1 is up to date with all changes known to be in force on or before 06 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)

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**Modifications etc. (not altering text)**

**C1** S. 41(1) modified (6.5.2008) by [Consumers, Estate Agents and Redress Act 2007 \(Commencement No.3 and Supplementary Provision\) Order 2008 \(S.I. 2008/1262\)](#) , **art. 4**

**Commencement Information**

**I38** S. 41 in force at 21.12.2007 by [S.I. 2007/3546](#) , **art. 3** , **Sch.**

**Status:**

Point in time view as at 01/04/2018.

**Changes to legislation:**

Consumers, Estate Agents and Redress Act 2007, Part 1 is up to date with all changes known to be in force on or before 06 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.