



# Consumers, Estate Agents and Redress Act 2007

## 2007 CHAPTER 17

### PART 4

#### MISCELLANEOUS AND GENERAL

##### *Contracts concluded away from business premises*

#### **59 Contracts concluded away from business premises**

- (1) The Secretary of State may make regulations entitling a consumer who is a party to a protected contract to cancel the contract.
- (2) A protected contract is a contract between a consumer and a trader which is for the supply of goods or services to the consumer by a trader and is made—
  - (a) during a solicited visit by a trader to the consumer's home or place of work, or to the home of another individual, or
  - (b) after an offer made by the consumer during such a visit.
- (3) A visit is solicited if it is made at the express request of the consumer.
- (4) Regulations made under this section may make any provision which may be made by regulations under section 2(2) of the European Communities Act 1972 (c. 68) (by virtue of section 2(4) of that Act).
- (5) The regulations may in particular make provision—
  - (a) as to the circumstances in which the consumer may cancel the contract and the effect of such a cancellation;
  - (b) requiring the trader to inform the consumer of the matters within paragraph (a);
  - (c) for the enforcement of any requirement imposed by virtue of paragraph (b).

*Status: Point in time view as at 01/10/2011.*

**Changes to legislation:** Consumers, Estate Agents and Redress Act 2007, Part 4 is up to date with all changes known to be in force on or before 19 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (6) For the purposes of this section, “consumer” and “trader” in relation to a contract have the same meaning as they have for the purposes of the relevant Directive in relation to transactions within that Directive.
- (7) “The relevant Directive” means—
- (a) Council Directive [85/577/EEC](#) to protect the consumer in respect of contracts negotiated away from business premises, as it has effect from time to time, or
  - (b) if that Directive is repealed and re-enacted (with or without modification), that Directive as re-enacted.

#### Commencement Information

**II** [S. 59](#) in force at 21.12.2007 by [S.I. 2007/3546](#), art. 3, [Sch.](#)

#### *Subordinate legislation*

### **60 Orders and regulations**

- (1) An order or regulations under this Act must be made by statutory instrument.
- (2) The Statutory Instruments Act 1946 (c. 36) is to apply in relation to any power of a regulator to make regulations under section 43 or 46 as if the regulator were a Minister of the Crown.
- (3) Any order or regulations under this Act may—
  - (a) make provision generally or subject to exceptions or in relation to specified cases or descriptions of case;
  - (b) make different provision for different cases or circumstances or for different purposes;
  - (c) provide for a person to exercise a discretion in dealing with any matter;
  - (d) make incidental, supplementary, consequential, transitory and transitional provision and savings.
- (4) A provision of this Act which permits regulations or orders to make provision of a specified kind is without prejudice to the generality of subsection (3).
- (5) In the case of an order or regulations made by the Secretary of State, the provision which may be made by virtue of subsection (3)(d) includes provision modifying any provision made by or under any enactment.
- (6) For this purpose—
 

“enactment” means—

  - (a) an Act of Parliament (including, in the case of an order under section 32, this Act),
  - (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;

“modify” has the same meaning as in Part 1.

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- (7) Nothing in this section authorises an order or regulations under this Act to make provision which would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament.
- (8) The Documentary Evidence Act 1868 (c. 37) (proof of order and regulations etc) has effect as if—
  - (a) the regulators were included in column 1 of the Schedule to that Act, and
  - (b) the entry in column 2 of that Schedule corresponding to each regulator mentioned the regulator and persons authorised to act on the regulator's behalf.
- (9) Nothing in this section applies in relation to a court order under section 26.
- (10) In this section “regulator” means—
  - (a) the Gas and Electricity Markets Authority,<sup>F1</sup>...
  - <sup>F1</sup>(b) .....

#### Textual Amendments

- F1** S. 60(10)(b) and preceding word omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 186](#); [S.I. 2011/2329](#), art. 3

## 61 Directions

- (1) A requirement or power under this Act to give a notice (or to notify) is a requirement or power to give notice in writing.
- (2) A requirement or power under this Act to give a direction (or to direct) is a requirement or power to give a direction in writing.
- (3) Any power conferred by this Act to give a direction includes power to vary or revoke the direction.

## 62 Parliamentary control of orders and regulations

- (1) Any instrument to which this subsection applies is subject to annulment in pursuance of a resolution of either House of Parliament.
- (2) Subsection (1) applies to any order or regulations made by the Secretary of State under any provision of this Act except—
  - (a) an order or regulations to which subsection (3) applies, or
  - (b) an order under section 66 (commencement).
- (3) An order or regulations containing (whether alone or with other provision) provision made under or by virtue of any of the following provisions may not be made unless a draft of the order or regulations has been laid before, and approved by a resolution of, each House of Parliament—
  - (a) section 4 (“designated consumers”);
  - (b) section 24(3)(d) (power to specify persons from whom Council may require information);
  - (c) section 31 (designation of the Consumer Council for Water for abolition);
  - (d) section 37(1) (conferral of additional functions on the Council);

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- (e) section 38 (removal of Council's functions in relation to Northern Ireland);
  - (f) section 59 (contracts concluded away from business premises), so far as it enables provision to be made modifying an Act of Parliament;
  - (g) section 60(5) (consequential provision etc), so far as it enables such provision to be made;
  - (h) section 63(2) (consequential provision etc), so far as it enables such provision to be made.
- (4) In subsection (3), “modify” has the same meaning as in Part 1.

*Amendments, transitional provision and repeals*

### 63 Minor, consequential and transitional provision

- (1) Schedule 7 contains minor and consequential amendments.
- (2) The Secretary of State may by order make such consequential, supplementary, incidental, transitory or transitional provision or savings (including provision modifying any provision made by or under an enactment) as the Secretary of State considers necessary or expedient in connection with the coming into force of any provision made by or under this Act.
- (3) An order under this section may make such adaptations of provisions of this Act brought into force as appear to be necessary or expedient in consequence of other provisions of this Act not yet having come into force.
- (4) 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;  
“modify” has the same meaning as in Part 1.
- (5) 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.

#### Commencement Information

- I2** S. 63(1) in force at 21.12.2007 for specified purposes by S.I. 2007/3546, art. 3, Sch.  
**I3** S. 63(1) in force at 1.10.2008 for specified purposes by S.I. 2008/905, art. 3(2), Sch. 2  
**I4** S. 63(1) in force at 1.10.2008 for specified purposes by S.I. 2008/2550, art. 2, Sch.  
**I5** S. 63(2)-(5) in force at 21.12.2007 by S.I. 2007/3546, art. 3, Sch.

### 64 Repeals

Schedule 8 contains repeals (including repeals of spent provisions).

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#### Commencement Information

- I6** S. 64 in force at 21.12.2007 for specified purposes by S.I. 2007/3546, art. 3, Sch.  
**I7** S. 64 in force at 1.10.2008 for specified purposes by S.I. 2008/905, art. 3(2), Sch. 2  
**I8** S. 64 in force at 1.10.2008 in so far as not already in force by S.I. 2008/2550, art. 2, Sch.

### General

#### 65 Extent

- (1) Subject to subsections (2) to (6), this Act extends to England and Wales, Scotland and Northern Ireland.
- (2) The following provisions extend to England and Wales and Scotland only—
  - (a) section 13 (investigation of complaints relating to disconnection of gas or electricity);
  - (b) section 14 (reference of matters to Gas and Electricity Markets Authority);
  - (c) section 37 (extension of the Council's functions: Great Britain).
- (3) Sections 31 to 33 (abolition of Consumer Council for Water) extend to England and Wales only.
- <sup>F2</sup>(4) .....
- <sup>F2</sup>(5) .....
- (6) Any amendment or repeal made by this Act has the same extent as the enactment to which it relates.
- (7) This section is subject to any provision made under section 38 (removal of the Council's functions in relation to Northern Ireland).

#### Textual Amendments

- F2** S. 65(4)(5) omitted (1.10.2011) by virtue of Postal Services Act 2011 (c. 5), s. 93(2)(3), Sch. 12 para. 187; S.I. 2011/2329, art. 3; S.I. 2011/2329, art. 3

#### 66 Commencement

- (1) This section and sections 60 to 62, 65 and 67 come into force on the day this Act is passed.
- (2) Subject to that, the provisions of this Act come into force on such day as may be appointed by order of the Secretary of State.

#### 67 Short title

This Act may be cited as the Consumers, Estate Agents and Redress Act 2007.

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