



Consumers, Estate Agents and Redress Act 2007

2007 CHAPTER 17

PART 1

[^{F1}THE CONSUMER ADVOCACY BODIES]

Information

25 Enforcement by regulator of section 24 notice

- (1) Where a regulated provider fails to comply with a notice under section 24(1), [^{F1}the consumer advocacy body in question] may refer the failure to—
 - (a) a person prescribed by the Secretary of State by order for the purposes of this section, or
 - (b) 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 [^{F2}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.

Changes to legislation: Consumers, Estate Agents and Redress Act 2007, Section 25 is up to date with all changes known to be in force on or before 11 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

TABLE

<i>Regulated provider</i>	<i>Relevant regulator</i>
A person holding a licence under section 7, 7ZA ^[F3] or 7A ^[F3] , 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) . ^[F4] A postal operator.	The Gas and Electricity Markets Authority. The Office of Communications.]
A water undertaker, sewerage undertaker ^[F5] , water supply licensee or sewerage licensee].	The Water Services Regulation Authority.
^[F6] 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 ^[F7]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).

(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 ^[F8]the consumer advocacy body] and the regulated provider notice of—

- a determination under subsection (4)(b) and the reasons for it, and
- any direction under subsection (5).

^[F9](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^[F10], 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

- F1** 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)
- F2** 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)

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- F3** 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**
- F4** 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
- F5** 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)
- F6** 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)
- F7** 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)
- F8** 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)
- F9** 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
- F10** 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)

Modifications etc. (not altering text)

- C1** Pt. 1 power to apply (with modifications) conferred (26.10.2023) by Energy Act 2023 (c. 52), s. 334(2)(l), **Sch. 18 para. 61(1)**
- C2** Pt. 1 power to extend (N.I.) conferred (26.10.2023) by Energy Act 2023 (c. 52), s. 334(2)(l), **Sch. 18 para. 61(3)**

Commencement Information

- I1** S. 25 in force at 1.10.2008 by S.I. 2008/2550 , art. 2 , **Sch.**

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 25(3) table words substituted by [S.I. 2024/706 reg. 20\(2\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 42(4)(c) words substituted by [2023 c. 52 Sch. 17 para. 16\(a\)](#)
- s. 42(4)(c) words substituted by [2023 c. 52 Sch. 17 para. 16\(b\)](#)