



Consumers, Estate Agents and Redress Act 2007

2007 CHAPTER 17

PART 1

THE NATIONAL CONSUMER COUNCIL

Information

25 Enforcement by regulator of section 24 notice

- (1) Where a regulated provider fails to comply with a notice under section 24(1), the Council 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 its 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.

Status: This is the original version (as it was originally enacted).

TABLE

<i>Regulated provider</i>	<i>Relevant regulator</i>
A person holding a licence under section 7, 7ZA or 7A 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).	The Gas and Electricity Markets Authority.
A person holding a licence under Part 2 of the Postal Services Act 2000 (c. 26).	The Postal Services Commission.
A water undertaker, sewerage undertaker or licensed water supplier.	The Water Services Regulation Authority.

(4) Where a failure is referred under subsection (1), the designated investigator must—

- (a) consider any representations made by the Council or the regulated provider, and
- (b) 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 the Council 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).

(7) An obligation imposed by virtue of subsection (5) on a water undertaker, sewerage undertaker or licensed water supplier 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.