



# Consumers, Estate Agents and Redress Act 2007

## 2007 CHAPTER 17

### PART 4

#### MISCELLANEOUS AND GENERAL

##### *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—

*Status: Point in time view as at 01/10/2011.*

**Changes to legislation:** *Consumers, Estate Agents and Redress Act 2007, Section 60 is up to date with all changes known to be in force on or before 26 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)*

“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.

(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

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