



Consumers, Estate Agents and Redress Act 2007

2007 CHAPTER 17

PART 1

THE NATIONAL CONSUMER COUNCIL

Information

24 Provision of information to the Council

- (1) The Council 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) The information specified or described in a notice under subsection (1) must be information the Council requires for the purpose of exercising its functions.
- (3) The persons referred to in subsection (1) are—
 - (a) the Office of Fair Trading;
 - (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, the Council 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.

Status: Point in time view as at 01/10/2008.

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- (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 the Council, give notice to the Council 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) The Council may publish any notice received under subsection (6).
- (9) In this section—
- “designated regulator” means—
- (a) the Gas and Electricity Markets Authority;
 - (b) the Postal Services Commission;
 - (c) the Water Services Regulation Authority;
 - (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.

Commencement Information

II 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), 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.

TABLE

Regulated provider

Relevant regulator

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A person holding a licence under section 7, The Gas and Electricity Markets Authority.
7ZA or 7A of the Gas Act 1986 (c. 44).

A person holding a licence under section 6 The Gas and Electricity Markets Authority.
of the Electricity Act 1989 (c. 29) .

A person holding a licence under Part 2 of The Postal Services Commission.
the Postal Services Act 2000 (c. 26).

A water undertaker, sewerage undertaker or The Water Services Regulation Authority.
licensed water supplier.

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- (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.

Commencement Information

I2 S. 25 in force at 1.10.2008 by [S.I. 2008/2550](#) , [art. 2](#) , [Sch.](#)

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) The Council 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.

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- (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.

Commencement Information

I3 S. 26 in force at 1.10.2008 by [S.I. 2008/2550](#), art. 2, [Sch.](#)

27 Provision of information by the Council

- (1) An authorised person may, by notice, require the Council to supply it with such information as is specified or described in the notice within such reasonable period as is so specified.
- (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.
- (3) “Authorised person” means—
- (a) the Office of Fair Trading;
 - (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 the Council.
- (6) If the Council 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).

Commencement Information

I4 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—

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- (a) descriptions of persons to whom the Council 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.
- (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.

Commencement Information

I5 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 the Council 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 the Council under or by virtue of the Postal Services Act 2000 (c. 26).
- (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 the Council under section 8 or 10,
 - (b) included in, or made public as part of, a report of the Council under any provision of this Part,
 - (c) published by the Council under section 19(2) or 24(8),
 - (d) published by an authorised person under section 27(7),
 - (e) published by the Council under section 45, or
 - (f) published by the Council 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)), the Council or authorised person must consult—

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- (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)), the Council or 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 the Council or 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.

Commencement Information

I6 S. 29 in force at 1.10.2008 by [S.I. 2008/2550](#), art. 2, [Sch.](#)

Status:

Point in time view as at 01/10/2008.

Changes to legislation:

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