

2008 No. 2550 (C. 111)

CONSUMER PROTECTION

**The Consumers, Estate Agents and Redress Act 2007
(Commencement No. 5 and Savings and Transitional
Provisions) Order 2008**

Made - - - - *26th September 2008*

The Secretary of State makes the following Order in exercise of the powers conferred by sections 60(3) and 66(2) of the Consumers, Estate Agents and Redress Act 2007(a)

Citation and interpretation

1.—(1) This Order may be cited as the Consumers, Estate Agents and Redress Act 2007 (Commencement No. 5 and Savings and Transitional Provisions) Order 2008.

(2) In this Order “the Act” means the Consumers, Estate Agents and Redress Act 2007.

Commencement

2. Subject to article 3, the provisions of the Act specified in the Schedule shall come into force on 1st October 2008.

Savings and transitional provisions

3.—(1) Nothing in the coming into force of the repeal of paragraph 8 of Schedule 2 to the Utilities Act 2000(b) by Schedule 8 to the Act shall affect the duties contained in that provision relating to the statement of accounts in respect of the financial year commencing on 1st April 2007.

(2) Nothing in the coming into force of the repeals of paragraph 16 of Schedule 2 to the Postal Services Act 2000(c) and paragraph 8 of Schedule 2 to the Utilities Act 2000 by Schedule 8 to the Act shall affect the duties contained in those provisions relating to the statements of accounts in respect of the financial year commencing on 1st April 2008, but those provisions shall have effect so as to require the statements to be prepared by the National Consumer Council and sent by it to the Secretary of State and to the Comptroller and Auditor General.

(3) For the purposes of paragraph (2), the financial year commencing on 1st April 2008 is to be treated as ending on 30th September 2008.

(a) 2007 c.17.
(b) 2000 c.27.
(c) 2000 c.26.

26th September 2008

Department for Business, Enterprise and Regulatory Reform

SCHEDULE

Article 2

PROVISIONS COMING INTO FORCE ON 1ST OCTOBER 2008

<i>Provision</i>	<i>Subject Matter of Provision</i>
Section 1, in so far as it is not already in force	Establishment of Northern Ireland Postal Services Committee
Section 2, in so far as it is not already in force	The territorial committees
Section 6, in so far as it is not already in force	Duty to have regard to forward work programme
Section 7	Annual report
Section 8	The representative function
Section 10, in so far as it is not already in force	The information function
Section 11	General powers of investigation
Section 12	Investigation of complaints made by vulnerable designated consumers
Section 13	Investigation of complaints relating to disconnection of gas or electricity
Section 14	Reference of matters to the Gas and Electricity Markets Authority
Section 15	Reference of matters to the Postal Services Commission
Section 16	Investigations relating to public post offices
Section 17	Reports by the Council
Section 18	Secretary of State's power to require reports
Section 19	Advice, information and guidance
Section 21	Power to co-operate and give assistance
Section 24	Provision of information to the Council
Section 25	Enforcement by regulator of section 24 notice
Section 26	Enforcement by court of section 24 notice
Section 27	Provision of information by the Council
Section 28	Exemptions from requirements to provide information
Section 29	Disclosure of information
Section 30, in so far as it is not already in force	Abolition of "Energywatch" and "Postwatch"
Section 31	Designation of the Consumer Council for Water for abolition
Section 32	Transfer orders and abolition orders
Section 33	Supplementary provision about transfer and abolition orders
Section 34	Compensation for loss of office
Section 37	Extension of the Council's functions: Great Britain
Section 38	Removal of the Council's functions in relation to Northern Ireland
Section 45	Information with respect to compliance with

	complaints handling standards
Section 52	Enforcement of requirements imposed under Part 2
Section 53, in so far as it is not otherwise in force on 1st October 2008	Repeal of sections 172-174 of the Housing Act 2004 ^(a)
Section 63(1), in so far as it relates to provisions in Schedule 7 brought into force by this Order	Minor and consequential amendments
Section 64, in so far as it is not otherwise in force on 1st October 2008	Repeals
Schedule 1, in so far as it is not already in force	The Council's offices
Schedule 2	Enforcement of information requirements
Schedule 3	Abolition of consumer bodies: transitional provision
Schedule 5	Information relating to compliance with complaints handling standards
Paragraphs 4-10 and 12-23 of Schedule 7	Minor and consequential amendments
Schedule 8, in so far as it is not otherwise in force on 1st October 2008	Repeals

(a) 2004 c.34.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 1st October 2008 (subject to the savings and transitional provisions in Article 3) further provisions of the Consumers, Estate Agents and Redress Act 2007 (“the Act”) as specified in the Schedule to this Order (Article 2). The provisions relate to the National Consumer Council established by the Act, complaints handling and redress schemes (including repeal of the provisions in the Housing Act 2004 relating to redress schemes dealing with complaints about the activities of estate agents in relation to home information packs), minor and consequential amendments and repeals.

Article 3 contains savings and transitional provisions to preserve after 1st October 2008 the statutory duties relating to the statements of accounts of the Gas and Electricity Consumer Council (“Energywatch”) and the Consumer Council for Postal Services (“Postwatch”) in respect of the financial years commencing, in the case of Energywatch, on 1st April 2007 and 1st April 2008, and, in the case of Postwatch, on 1st April 2008, notwithstanding the repeal on 1st October 2008 of the provisions containing those duties. However, in respect of the financial year commencing on 1st April 2008, the duties to prepare statements of accounts, and to send them to the Secretary of State and the Comptroller and Auditor General, are transferred to the National Consumer Council, and that financial year is to be treated as ending immediately before the abolition of Energywatch and Postwatch.

The remaining provisions of the Act will be brought into force by subsequent orders.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Consumers, Estate Agents and Redress Act 2007 have been brought into force, or will be brought into force on 1st October 2008, by commencement order made before the date of this Order.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 1(1), (2)(a) and (b), (3) and (4)	21.12.07	2007/3546
Section 2(1)(a) and (b) (in so far as they relate to sections 9 and 10(1)(a) and (2)) and (2)-(4)	21.12.07	2007/3546
Section 3	21.12.07	2007/3546
Section 4	21.12.07	2007/3546
Section 5	7.5.08	2008/1262
Section 6(1) and (3)-(10)	21.12.07	2007/3546
Section 9	21.12.07	2007/3546
Section 10(1)(a) and (2)	21.12.07	2007/3546
Section 20	21.12.07	2007/3546
Section 22	21.12.07	2007/3546
Section 23	21.12.07	2007/3546
Section 30(4)(c) (for the purposes of section 39A of the Postal Services Act 2000 (c.26)) and (d) (for the purposes of section 8 of the Utilities Act 2000 (c.27))	21.12.07	2007/3546
Section 35	21.12.07	2007/3546
Section 36	21.12.07	2007/3546
Section 39	21.12.07	2007/3546
Section 40	21.12.07	2007/3546

Section 41	21.12.07	2007/3546
Section 42	21.12.07	2007/3546
Section 43	21.12.07	2007/3546
Section 44	21.12.07	2007/3546
Section 46	21.12.07	2007/3546
Section 47	21.12.07	2007/3546
Section 48	21.12.07	2007/3546
Section 49	21.12.07	2007/3546
Section 50	21.12.07	2007/3546
Section 51	21.12.07	2007/3546
Section 53(1)	12.10.07	2007/2934
Section 53(2)	1.10.08	2008/905
Section 55	1.10.08	2008/905
Section 56	1.10.08	2008/905
Section 57	1.10.08	2008/905
Section 58	1.10.08	2008/905
Section 59	21.12.07	2007/3546
Section 63(1) (in so far as it relates to provisions in Schedule 7 brought into force on 21st December 2007) and (2)-(5)	21.12.07	2007/3546
Section 63(1) (in so far as it relates to provisions in Schedule 7 to be brought into force on 1st October 2008 by S.I. 2008/905)	1.10.08	2008/905
Section 64 (in so far as it relates to provisions in Schedule 8 brought into force on 21st December 2007)	21.12.07	2007/3546
Section 64 (in so far as it relates to provisions in Schedule 8 to be brought into force on 1st October 2008 by S.I. 2008/905)	1.10.08	2008/905
Paragraphs 1-26, 28-31 and 33-38 of Schedule 1	21.12.07	2007/3546
Paragraph 32 of Schedule 1	1.4.08	2008/905
Schedule 4	21.12.07	2007/3546
Schedule 6	12.10.07	2007/2934
Paragraphs 1 and 2 of Schedule 7	1.10.08	2008/905
Paragraph 11 of Schedule 7	21.12.07	2007/3546
In Schedule 8, the entry relating to the Estate Agents Act 1979 (c.38)	1.10.08	2008/905
In Schedule 8, the entry relating to section 2 of the Postal Services Act 2000 (in so far as it relates to the words “(in this Act referred to as “the Council”)” in section 2(1) for the purposes of section 39A of that Act), and the entries relating to section 39 of the Postal Services Act 2000 and section 8 of the Utilities Act 2000	21.12.07	2007/3546

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