
DRAFT STATUTORY INSTRUMENTS

2013 No.

The Redress Schemes for Lettings Agency Work and Property Management Work (Approval and Designation of Schemes) (England) Order 2013

Conditions which must be satisfied before a scheme may be designated as a government administered redress scheme

5.—(1) A scheme must not be designated as a government administered redress scheme unless the Secretary of State considers that it makes satisfactory provision for—

- (a) the manner of becoming or ceasing to become a member of the scheme;
 - (b) complaints that may be made under the scheme (which may include complaints about non-compliance with the provision of a voluntary code of practice or other document);
 - (c) where the redress scheme applies to property management work, complaints about the failure to comply with any provision of a code of practice for the time being approved under section 87 Leasehold Reform and Urban Development Act 1993;
 - (d) the ombudsman's duties and powers in relation to the investigation and determination of complaints (which may include power to decide not to investigate or determine a complaint);
 - (e) the redress which the ombudsman may require members to provide to complainants, which must include the types of redress specified in paragraph (2);
 - (f) the enforcement of any requirement to provide redress imposed on a member in accordance with the scheme (which may include power to expel the member from the scheme);
 - (g) the manner in which complaints about the operation of the scheme may be made by members of the scheme and by persons who have asked the scheme to investigate a complaint;
 - (h) the provision of information by the ombudsman to the persons specified in paragraph (3); and
 - (i) the making and publication of annual reports on the operation of the scheme.
- (2) The types of redress mentioned in paragraph (1)(e) are—
- (a) providing an apology or explanation;
 - (b) paying compensation;
 - (c) taking such other actions in the interests of the complainant as the ombudsman may specify.
- (3) The persons mentioned in paragraph (1)(h) are—
- (a) persons exercising functions under approved schemes or other government administered redress schemes;
 - (b) persons exercising functions under other consumer redress schemes; and
 - (c) any other person exercising regulatory functions in relation to—

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Redress Schemes for Lettings Agency Work and Property Management Work (Approval and Designation of Schemes) (England) Order 2013 No. 3192

- (i) the activities of persons engaging in lettings agency work, where the scheme applies to lettings agency work;
- (ii) the activities of persons engaging in property management work, where the scheme applies to property management work.