



Estate Agents Act 1979

1979 CHAPTER 38

Supervision, enforcement, publicity etc.

24 Supervision by Council on Tribunals.

- F¹(1)
- F²(2)

Textual Amendments

- F1 S. 24(1) repealed (1.10.1992) by [Tribunals and Enquiries Act 1992 \(c. 53\)](#), ss. 18(2), 19(2), [Sch. 4 Pt. I](#).
- F2 S. 24(2) repealed (1.11.2007) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 8 para. 8](#), [Sch. 23 Pt. 1](#); S.I. 2007/2709, art. 3(b)(d)(i)

[^{F3}24A Lead enforcement authority

- (1) In this Act “the lead enforcement authority” means—
 - (a) the Secretary of State, or
 - (b) a person whom the Secretary of State has arranged to be the lead enforcement authority in accordance with subsection (2).
- (2) The Secretary of State may make arrangements for one of the following to be the lead enforcement authority for the purposes of this Act (for the whole of the United Kingdom) instead of the Secretary of State—
 - (a) a local weights and measures authority in Great Britain, or
 - (b) the Department of Enterprise, Trade and Investment in Northern Ireland.
- (3) The arrangements—
 - (a) may include provision for payments by the Secretary of State;
 - (b) may include provision about bringing the arrangements to an end.

Status: Point in time view as at 01/10/2016.

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- (4) The Secretary of State may by regulations made by statutory instrument make transitional provision for when there is a change in the lead enforcement authority.
- (5) The regulations may relate to a specific change in the lead enforcement authority or to changes that might arise from time to time.]

Textual Amendments

- F3** S. 24A inserted (1.10.2016) by Housing and Planning Act 2016 (c. 22), ss. **132(1)**, 216(3); S.I. 2016/733, reg. 4(1)(a)

25 General duties of [^{F4}the lead enforcement authority]

- (1) Subject to section 26(3) below, it is the duty of the [^{F5}lead enforcement authority]—
 - (a) generally to superintend the working and enforcement of this Act, and
 - (b) where necessary or expedient, [^{F6}itself] to take steps to enforce this Act.
- (2) It is the duty of the [^{F7}lead enforcement authority], so far as appears to [^{F8}it] to be practicable and having regard both to the national interest and the interests of persons engaged in estate agency work and of consumers, to keep under review and from time to time advise the Secretary of State about—
 - (a) social and commercial developments in the United Kingdom and elsewhere relating to the carrying on of estate agency work and related activities; and
 - (b) the working and enforcement of this Act.
- (3) The [^{F9}lead enforcement authority] shall arrange for the dissemination, in such form and manner as [^{F10}it] considers appropriate, of such information and advice as it may appear to [^{F8}it] expedient to give the public in the United Kingdom about the operation of this Act.

Textual Amendments

- F4** Words in s.25 heading substituted (31.3.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(5), **Sch. 2 para. 1(9)(a)** (with Sch. 1 para. 28, 2 paras. 13-15)
- F5** Words in s. 25(1) substituted (31.3.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(5), **Sch. 2 para. 1(9)(b)** (with Sch. 1 para. 28, 2 paras. 13-15)
- F6** Word in s. 25(1) substituted (1.4.2003) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 25 para. 9(12)(b)**; S.I. 2003/766, art. 2, Sch. (with art. 3) (as amended (20.7.2007) by S.I. 2007/1846, reg. 3(2), Sch.)
- F7** Words in s. 25(2) substituted (31.3.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(5), **Sch. 2 para. 1(9)(b)** (with Sch. 1 para. 28, 2 paras. 13-15)
- F8** Word in s. 25(2)(3) substituted (1.4.2003) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 25 para. 9(12)(c)**; S.I. 2003/766, art. 2, Sch. (with art. 3) (as amended (20.7.2007) by S.I. 2007/1846, reg. 3(2), Sch.); S.I. 2003/766, art. 2, Sch. (with art. 3) (as amended (20.7.2007) by S.I. 2007/1846, reg. 3(2), Sch.)
- F9** Words in s. 25(3) substituted (31.3.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(5), **Sch. 2 para. 1(9)(b)** (with Sch. 1 para. 28, 2 paras. 13-15)
- F10** Word in s. 25(3) substituted (1.4.2003) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 25 para. 9(12)(d)**; S.I. 2003/766, art. 2, Sch. (with art. 3) (as amended (20.7.2007) by S.I. 2007/1846, reg. 3(2), Sch.)

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26 Enforcement authorities.

(1) Without prejudice to section 25(1) above, the following authorities (in this Act referred to as “enforcement authorities”) have a duty to enforce this Act—

- (a) the [^{F11}lead enforcement authority],
- (b) in Great Britain, a local weights and measures authority, and
- (c) in Northern Ireland, the [^{F12}Department of Enterprise, Trade and Investment in Northern Ireland] .

[^{F13}(1A) For the investigatory powers available to an authority for the purposes of the duty in subsection (1), see Schedule 5 to the Consumer Rights Act 2015.]

^{F14}(2)

(3) Nothing in this section or in section 25 above authorises an enforcement authority to institute proceedings in Scotland for an offence.

(4) Every local weights and measures authority shall, whenever the [^{F15}lead enforcement authority] requires, report to [^{F16}it] in such form and with such particulars as [^{F16}it] requires on the exercise of their functions under this Act.

(5) ^{F17}

Textual Amendments

- F11** Words in s. 26(1)(a) substituted (31.3.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading’s Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(5), **Sch. 2 para. 1(10)(a)** (with Sch. 1 para. 28, 2 paras. 13-15)
- F12** Words in s. 26(1)(c) substituted (1.10.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), **ss. 132(2)**, 216(3); [S.I. 2016/733](#), reg. 4(1)(a)
- F13** S. 26(1A) inserted (1.10.2015) by [Consumer Rights Act 2015 \(c. 15\)](#), s. 100(5), **Sch. 6 para. 24**; [S.I. 2015/1630](#), art. 3(i)
- F14** S. 26(2) repealed (1.4.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, Sch. 25 para. 9(13)(b), **Sch. 26**; [S.I. 2003/766](#), art. 2, Sch. (with art. 3) (as amended (20.7.2007) by [S.I. 2007/1846](#), reg. 3(2), Sch.)
- F15** Words in s. 26(4) substituted (31.3.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading’s Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(5), **Sch. 2 para. 1(10)(a)** (with Sch. 1 para. 28, 2 paras. 13-15)
- F16** Word in s. 26(4) substituted (1.4.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, **Sch. 25 para. 9(13)(c)**; [S.I. 2003/766](#), art. 2, Sch. (with art. 3) (as amended (20.7.2007) by [S.I. 2007/1846](#), reg. 3(2), Sch.)
- F17** S. 26(5)–(8) repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\)](#), s. 1(4), **Sch. 34 Pt. IV**

^{F18}27 Obstruction and personation of authorised officers.

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Textual Amendments

- F18** S. 27 omitted (1.10.2015) by virtue of [Consumer Rights Act 2015 \(c. 15\)](#), s. 100(5), **Sch. 6 para. 25**; [S.I. 2015/1630](#), art. 3(i) (with art. 8)

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