

*Changes to legislation: Estate Agents Act 1979, Paragraph 2 is up to date with all changes known to be in force on or before 11 August 2023. 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) View outstanding changes*

## SCHEDULES

### SCHEDULE 2

#### PROCEDURE ETC.

#### PART I

#### ORDERS AND DECISIONS UNDER SECTIONS 3, 4 AND 6

##### *Notice of proposal*

- 2 (1) The [F<sup>1</sup>lead enforcement authority] shall give to the person affected a notice informing him of the proposal and of the [F<sup>2</sup>lead enforcement authority's] reason for it; but paragraph 1(2) above shall not apply for the purposes of this sub-paragraph.
- (2) In the case of a proposal to make an order, the notice under sub-paragraph (1) above shall inform the person affected of the substance of the proposed order and, in the case of a proposal to make an order under section 3 of this Act, shall—
- (a) set out those matters falling within subsection (1) of that section which the [F<sup>3</sup>lead enforcement authority] intends should be specified as the grounds for the order, and
  - (b) specify any other matters of which the [F<sup>3</sup>lead enforcement authority] has taken account under subsection (2) of that section, and
  - (c) if the [F<sup>3</sup>lead enforcement authority] proposes to rely on section 4(3) of this Act to establish the unfitness of the person affected, state that fact.
- (3) The notice given under sub-paragraph (1) above shall invite the person affected, within such period of not less than twenty-one days as may be specified in the notice—
- (a) to submit to the [F<sup>4</sup>lead enforcement authority] his representations in writing as to why the order should not be made or, as the case may be, should be varied or revoked in accordance with the application, and
  - (b) to give notice to the [F<sup>4</sup>lead enforcement authority], if he thinks fit, that he wishes to make such representations orally,
- and where notice is given under paragraph (b) above the [F<sup>4</sup>lead enforcement authority] shall arrange for the oral representations to be heard.

#### Textual Amendments

- F1** Words in Sch. 2 para. 2(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(13)(a)(iv)(**aa**) (with Sch. 1 para. 28, 2 paras. 13-15)

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- F2** Words in Sch. 2 para. 2(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(13)(a)(iv)(**bb**) (with Sch. 1 para. 28, 2 paras. 13-15)
- F3** Words in Sch. 2 para. 2(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(13)(a)(v)(**aa**) (with Sch. 1 para. 28, 2 paras. 13-15)
- F4** Words in Sch. 2 para. 2(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(13)(a)(v)(**aa**) (with Sch. 1 para. 28, 2 paras. 13-15)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 21A inserted by [2007 c. 17 s. 54\(1\)](#)