

*Status: Point in time view as at 31/03/2014.*

*Changes to legislation: Estate Agents Act 1979, Cross Heading: Approval of redress schemes is up to date with all changes known to be in force on or before 11 September 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)*

## SCHEDULES

### [<sup>F1</sup>SCHEDULE 3

#### REDRESS SCHEMES

##### Textual Amendments

- F1** Sch. 3 inserted (12.10.2007) by [Consumers, Estate Agents and Redress Act 2007 \(c. 17\)](#), s. 66(2), [Sch. 6 para. 3](#); [S.I. 2007/2934](#), art. 3, Sch.

##### *Approval of redress schemes*

- 1 A redress scheme may be approved for the purposes of section 23A by the [<sup>F2</sup>lead enforcement authority] acting in accordance with paragraphs 2 to 8.

##### Textual Amendments

- F2** Words in Sch. 3 para. 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\(14\)\(a\)](#) (with Sch. 1 para. 28, 2 paras. 13-15)

- 2 (1) A scheme may not be approved unless the [<sup>F3</sup>lead enforcement authority] considers that—
- (a) the provisions of the scheme; and
  - (b) the manner in which it will be operated (so far as can be judged from facts known to the authority);
- are satisfactory for the purposes of section 23A.
- (2) Without prejudice to the generality of sub-paragraph (1), a scheme must not be approved unless the [<sup>F4</sup>lead enforcement authority] considers that it makes satisfactory provision about—
- (a) the complaints which may be made under the scheme (which may include complaints about non-compliance with the provisions of a code of practice or other document);
  - (b) 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 particular complaint);
  - (c) the redress which the ombudsman may require members to provide to complainants, which must include the types of redress specified in sub-paragraph (3);
  - (d) the enforcement of any requirement to provide redress imposed on a member in accordance with the scheme.
- (3) The types of redress mentioned in sub-paragraph (2)(c) are—

*Status: Point in time view as at 31/03/2014.*

*Changes to legislation: Estate Agents Act 1979, Cross Heading: Approval of redress schemes is up to date with all changes known to be in force on or before 11 September 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)*

- (a) providing an apology or explanation;
- (b) paying compensation; and
- (c) taking such other actions in the interests of the complainant as the ombudsman may specify.

#### Textual Amendments

- F3** Words in Sch. 3 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(14)(b)** (with Sch. 1 para. 28, 2 paras. 13-15)
- F4** Words in Sch. 3 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(14)(b)** (with Sch. 1 para. 28, 2 paras. 13-15)

- 3 (1) In determining whether a scheme, or any provisions mentioned in paragraph 2(2), are satisfactory the [<sup>F5</sup>lead enforcement authority] must have regard to—
- (a) the interests of members of the scheme and of sellers and buyers of residential properties; and
  - (b) such principles as—
    - (i) in the opinion of the [<sup>F5</sup>lead enforcement authority] constitute generally accepted principles of best practice in relation to consumer redress schemes, and
    - (ii) it is reasonable to regard as applicable to the scheme.
- (2) In considering the interests mentioned in sub-paragraph (1)(a), the [<sup>F6</sup>lead enforcement authority] may have regard to the number of other redress schemes which are (or are likely to become) approved redress schemes.

#### Textual Amendments

- F5** Words in Sch. 3 para. 3(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(14)(c)** (with Sch. 1 para. 28, 2 paras. 13-15)
- F6** Words in Sch. 3 para. 3(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(14)(c)** (with Sch. 1 para. 28, 2 paras. 13-15)

- 4 The [<sup>F7</sup>lead enforcement authority] must not approve a scheme unless it considers that the scheme makes satisfactory provision about the provision of information by the ombudsman or the scheme administrator to—
- (a) persons exercising functions under other approved schemes;
  - (b) persons exercising functions under other consumer redress schemes; and
  - (c) the [<sup>F7</sup>lead enforcement authority] or any other person exercising regulatory functions in relation to the activities of persons engaging in estate agency work.

*Status: Point in time view as at 31/03/2014.*

*Changes to legislation: Estate Agents Act 1979, Cross Heading: Approval of redress schemes is up to date with all changes known to be in force on or before 11 September 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)*

**Textual Amendments**

**F7** Words in Sch. 3 para. 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(14)(d)** (with Sch. 1 para. 28, 2 paras. 13-15)

5 The [<sup>F8</sup>lead enforcement authority] must not approve a scheme if it considers that the scheme provides for membership to be revoked on any unfair grounds.]

**Textual Amendments**

**F8** Words in Sch. 3 para. 5 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(14)(e)** (with Sch. 1 para. 28, 2 paras. 13-15)

**Status:**

Point in time view as at 31/03/2014.

**Changes to legislation:**

Estate Agents Act 1979, Cross Heading: Approval of redress schemes is up to date with all changes known to be in force on or before 11 September 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.