



Estate Agents Act 1979

1979 CHAPTER 38

[^{F1}Redress schemes

[^{F1}23A Redress schemes

- (1) The Secretary of State may by order require persons who engage in estate agency work in relation to residential property (“relevant estate agency work”) to be members of an approved redress scheme for dealing with complaints in connection with that work.
- (2) An order may provide for the duty to apply—
 - (a) only to specified descriptions of persons who engage in estate agency work; and
 - (b) in relation to any relevant estate agency work carried out by a person to whom the duty applies or only in relation to specified descriptions of work (which may be framed by reference to descriptions of residential property).
- (3) An order may also provide for the duty not to apply in relation to complaints of any specified description (which may be framed by reference to a description of person making a complaint).
- (4) In subsections (1) and (2)(a), the reference to persons who engage in estate agency work does not include a reference to persons who engage in that work in the course of their employment.
- (5) The power to make an order shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) Before making an order the Secretary of State must be satisfied that all persons who are to be subject to the duty will be eligible to join a suitable approved redress scheme before the duty applies to them.

For this purpose the Secretary of State may disregard persons who cannot lawfully engage in the relevant estate agency work to which the duty applies.

- (7) Nothing in this section prevents an approved redress scheme from providing—
 - (a) for membership to be open to persons who are not subject to the duty;

Status: Point in time view as at 31/03/2014.

Changes to legislation: Estate Agents Act 1979, Section 23A is up to date with all changes known to be in force on or before 13 October 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)

- (b) for the investigation and determination of any complaints in relation to which the duty does not apply, where the members concerned have voluntarily accepted the jurisdiction of the scheme over those complaints;
 - (c) for the exclusion from investigation and determination under the scheme of any complaint in such cases or circumstances as may be specified in or determined under the scheme.
- (8) For the purposes of this section—
- (a) a “redress scheme” is a scheme which provides for complaints against members of the scheme to be investigated and determined by an independent person (“the ombudsman”);
 - (b) a redress scheme is “approved” if—
 - (i) it is for the time being approved by the [^{F2}lead enforcement authority] under Schedule 3; or
 - (ii) it is administered by or on behalf of the Secretary of State and designated by him as an approved redress scheme for the purposes of this section;
 - (c) a “complaint” is a complaint made by a person by virtue of his being or having been a seller or buyer of residential property;
 - (d) “seller”, in relation to residential property, means a person who claims that he is or may become interested in disposing of an interest in land in respect of that property (and includes a person who disposes of such an interest);
 - (e) “buyer”, in relation to residential property, means a person who claims that he is or may become interested in acquiring an interest in land in respect of that property (and includes a person who acquires such an interest).
- (9) The Secretary of State may not designate a scheme as an approved redress scheme for the purposes of this section unless the Secretary of State is satisfied that the scheme is one which could be approved by the [^{F3}lead enforcement authority] in accordance with paragraphs 2 to 5 of Schedule 3.
- (10) Schedule 3 (which makes further provision in connection with the approval of redress schemes etc.) shall have effect.
- (11) In this section—
- “order” means an order under subsection (1);
 - “the duty” means the requirement under an order to be a member of an approved redress scheme.]

Textual Amendments

- F1** Ss. 23A-23C and cross-heading inserted (12.10.2007) by [Consumers, Estate Agents and Redress Act 2007](#) (c. 17), s. 66(2), **Sch. 6 para. 2**; S.I. 2007/2934, art. 3, Sch.
- F2** Words in s. 23A(8)(b)(i) 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(7)(g)** (with Sch. 1 para. 28, 2 paras. 13-15)
- F3** Words in s. 23A(9) 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(7)(g)** (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, Section 23A is up to date with all changes known to be in force on or before 13 October 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.