



Estate Agents Act 1979

1979 CHAPTER 38

Orders by ^[F1]the lead enforcement authority

6 Revocation and variation of orders under sections 3 and 4.

- (1) On an application made to ^[F1]it by the person in respect of whom the ^[F2]lead enforcement authority] has made an order under section 3 or section 4 above, the ^[F2]lead enforcement authority] may revoke or vary the order.
- (2) An application under subsection (1) above—
 - (a) shall state the reasons why the applicant considers that the order should be revoked or varied;
 - (b) in the case of an application for a variation, shall indicate the variation which the applicant seeks; and
 - (c) shall be accompanied by the prescribed fee.
- (3) If the ^[F3]lead enforcement authority] decides to accede to an application under subsection (1) above, ^[F4]it] shall give notice in writing of ^[F5]its] decision to the applicant and, upon the giving of that notice, the revocation or, as the case may be, the variation specified in the application shall take effect.
- (4) The ^[F6]lead enforcement authority] may decide to refuse an application under subsection (1) above—
 - (a) where it relates to an order under section 3 above, if ^[F4]it] considers that the applicant remains unfit to carry on any estate agency work at all or, as the case may be, estate agency work of the description which is prohibited by the order; and
 - (b) where it relates to an order under section 4 above, if ^[F4]it] considers that the applicant may ^[F7]engage in further conduct as mentioned in subsection (1A) (b) or (1B)(b) of that section or engage again in the practice specified in the order, as the case may be.] .
- (5) If, on an application under subsection (1) above, the ^[F8]lead enforcement authority] decides that—

Changes to legislation: Estate Agents Act 1979, Section 6 is up to date with all changes known to be in force on or before 13 May 2024. 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

- (a) [F4:it] cannot accede to the application because [F4:it] considers that the applicant remains unfit to carry on any estate agency work at all in a particular part of or area within the United Kingdom or remains unfit to carry on estate agency work of a particular description (either throughout the United Kingdom or in a particular part of or area within it) or, as the case may be, remains likely to fail to comply with a relevant statutory obligation or to engage in a particular practice, but
- (b) the order to which the application relates could, without detriment to the public, be varied in favour of the applicant,
- the [F8:lead enforcement authority] may make such a variation accordingly.
- (6) The provisions of Part II of Schedule 2 to this Act shall have effect in relation to any application to the [F9:lead enforcement authority] under subsection (1) above and the provisions of Part I of that Schedule shall have effect—
- (a) with respect to the procedure to be followed before the [F9:lead enforcement authority] comes to a decision under subsection (4) or subsection (5) above; and
- (b) in connection with the making and coming into operation of such a decision.

F10(7)

Textual Amendments

- F1** Word in s. 6(1) substituted (1.4.2003) by [Enterprise Act 2002 \(c. 40\), s. 279, Sch. 25 para. 9\(5\)\(b\)](#); [S.I. 2003/766, art. 2, Sch.](#) (with [art. 3](#)) (as amended (20.7.2007) by [S.I. 2007/1846, reg. 3\(2\), Sch.](#))
- F2** Words in s. 6(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\(4\)\(c\)](#) (with [Sch. 1 para. 28, 2 paras. 13-15](#))
- F3** Words in s. 6(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\(4\)\(c\)](#) (with [Sch. 1 para. 28, 2 paras. 13-15](#))
- F4** Word in s. 6(3)-(5) substituted (1.4.2003) by [Enterprise Act 2002 \(c. 40\), s. 279, Sch. 25 para. 9\(5\)\(c\)](#); [S.I. 2003/766, art. 2, Sch.](#) (with [art. 3](#)) (as amended (20.7.2007) by [S.I. 2007/1846, reg. 3\(2\), Sch.](#))
- F5** Word in s. 6(3) substituted (1.4.2003) by [Enterprise Act 2002 \(c. 40\), s. 279, Sch. 25 para. 9\(5\)\(d\)](#); [S.I. 2003/766, art. 2, Sch.](#) (with [art. 3](#)) (as amended (20.7.2007) by [S.I. 2007/1846, reg. 3\(2\), Sch.](#))
- F6** Words in s. 6(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\(4\)\(c\)](#) (with [Sch. 1 para. 28, 2 paras. 13-15](#))
- F7** Words in s. 6(4)(b) substituted (1.10.2008) by [Consumers, Estate Agents and Redress Act 2007 \(c. 17\), s. 66\(2\), Sch. 7 para. 2\(a\)](#); [S.I. 2008/905, art. 3\(2\), Sch. 2](#)
- F8** Words in s. 6(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\(4\)\(c\)](#) (with [Sch. 1 para. 28, 2 paras. 13-15](#))
- F9** Words in s. 6(6) 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\(4\)\(c\)](#) (with [Sch. 1 para. 28, 2 paras. 13-15](#))
- F10** S. 6(7) repealed (1.10.2008) by [Consumers, Estate Agents and Redress Act 2007 \(c. 17\), s. 66\(2\), Sch. 7 para. 2\(b\), Sch. 8](#); [S.I. 2008/905, art. 3\(2\), Sch. 2](#)

Changes to legislation:

Estate Agents Act 1979, Section 6 is up to date with all changes known to be in force on or before 13 May 2024. 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.

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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\(1\)](#)