



Estate Agents Act 1979

1979 CHAPTER 38

Orders by Director General of Fair Trading

6 Revocation and variation of orders under sections 3 and 4

- (1) On an application made to him by the person in respect of whom the Director has made an order under section 3 or section 4 above, the Director 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 Director decides to accede to an application under subsection (1) above, he shall give notice in writing of his 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 Director may decide to refuse an application under subsection (1) above—
 - (a) where it relates to an order under section 3 above, if he 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 he considers that the applicant may again fail to comply with a relevant statutory obligation or, as the case may be, again engage in the practice specified in the order.
- (5) If, on an application under subsection (1) above, the Director decides that—
 - (a) he cannot accede to the application because he 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

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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 Director 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 Director 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 Director 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.

- (7) In this section " relevant statutory obligation " has the meaning assigned to it by section 4(1)(a) above.