Draft Regulations laid before Parliament under section 11 of the Public Bodies Act 2011, for approval by resolution of each House of Parliament, after the expiry of the 40-day period referred to in section 11(4) of that Act.

DRAFT STATUTORY INSTRUMENTS

2014 No. XXXX

PUBLIC BODIES

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

Made - - - - ***
Coming into force in accordance with Article 1(2) to (6)

The Secretary of State makes the following Order in exercise of the powers conferred by sections 1(1) and (2), 5(1)(b), 6(1), (2) and (5) and 35(2) of the Public Bodies Act 2011(**1**) ("the Act").

The Treasury have consented to the making of this Order in so far as their consent is required by section 6(4) of the Act.

In accordance with section 8 of the Act, the Secretary of State considers that this Order—

(a) serves the purpose of improving the exercise of public functions, having had regard to the factors set out in section 8(1); and

(b) does not remove any necessary protection or prevent any person from continuing to exercise any right or freedom which that person might reasonably expect to continue to exercise.

The Scottish Parliament has consented to the making of this Order in so far as its consent is required by section 9(1) of the Act.

The consent of the Northern Ireland Assembly has been obtained in accordance with section 9(3) of the Act.

The Secretary of State has consulted in accordance with section 10 of the Act.

The National Association of Citizens Advice Bureaux and the Scottish Association of Citizens Advice Bureaux have consented to the transfer of functions made by this Order in so far as their consent is required by section 21(1) of the Act.

A draft of this Order, and an explanatory document containing the information required in section 11(2) of the Act, have been laid before Parliament in accordance with section 11(1) of the Act after the end of the period of twelve weeks mentioned in section 11(3).

(**1**) 2011 c. 24.

In accordance with section 11(4) of the Act, the draft of this Order has been approved by a resolution of each House of Parliament after the expiry of the 40-day period referred to in that provision.

Citation, commencement, interpretation and extent

1.—(1) This Order may be cited as 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.

(2) This article comes into force on the day after the day on which this Order is made.

(3) Subject to paragraph (4), articles 2, 3 and 4 of this Order come into force on 1st April 2014.

(4) Article 3(1)(g) and paragraph 14 of Schedule 1 (repeal of reference to the National Consumer Council in Schedule 1 to the Public Bodies Act 2011) come into force on 2nd April 2014.

(5) Subject to paragraphs (6) and (7), article 5 of this Order comes into force on 31st March 2014.

(6) Article 5(3)(a)(ii) and paragraph 6 of Schedule 2 (repeal of reference to the Office of Fair Trading in Schedule 5 to the Public Bodies Act 2011) come into force on 1st April 2014.

(7) Paragraph 16 of Schedule 2 (provision of information to the lead enforcement authority by the OFT) comes into force on the day after the day on which this Order is made.

(8) An amendment or repeal made by this Order has the same extent as the enactment to which it relates.

(9) In this Order—

"the 1979 Act" means the Estate Agents Act 1979(**2**);

"the 2002 Act" means the Enterprise Act 2002(**3**);

"the 2007 Act" means the Consumers, Estate Agents and Redress Act 2007(**4**);

"the 2007 Regulations" means the Money Laundering Regulations 2007(**5**);

"Citizens Advice" means the National Association of Citizens Advice Bureaux(**6**);

"Citizens Advice Scotland" means the Scottish Association of Citizens Advice Bureaux(**7**);

"CMA" means the Competition and Markets Authority(**8**);

"the Commissioners" means the Commissioners for Her Majesty's Revenue and Customs;

"the First-tier Tribunal" means the First-tier Tribunal constituted under section 3(1) of the Tribunal, Courts and Enforcement Act 2007(**9**)"

"the GCCNI" means the General Consumer Council for Northern Ireland(**10**);

(**2**) 1979 c. 38; relevant amendments were made by the 2002 Act and the 2007 Act.
(**3**) 2002 c. 40.
(**4**) 2007 c. 17; relevant amendments were made by the Pensions Act 2011 (c. 19), the Public Services Reform (Scotland) Act 2010 asp 8, the Postal Services Act 2011 (c. 5), the Financial Services Act 2012 (c. 21), S.I. 2011/2704 and S.I. 2012/2400.
(**5**) S.I. 2007/2157.
(**6**) The National Association of Citizens Advice Bureaux is a company limited by guarantee, formed and registered under the Companies Act 2006 (c. 46) with the company number 1436945, and a registered charity with the number 279057.
(**7**) The Scottish Association of Citizens Advice Bureaux is a company limited by guarantee, formed and registered under the Companies Act 2006 with the company number SC089892, and a registered charity with the number SC016637.
(**8**) The Competition and Markets Authority was established by section 25 of the Enterprise and Regulatory Reform Act 2013 (c. 24).
(**9**) 2007 c. 15.
(**10**) The General Consumer Council for Northern Ireland was established by the General Consumer Council (Northern Ireland) Order 1984 No. 1822 (N.I.12) as amended by the Electricity (Northern Ireland) Order 1992 No. 231 (N.I.1), the Audit and Accountability (Northern Ireland) Order 2003 No. 418 (N.I.5), the Energy (Northern Ireland) Order 2003 No. 419 (N.I.6), the

"the lead enforcement authority" means Powys County Council;

"the National Consumer Council" means the National Consumer Council established by section 1 of the 2007 Act;

"the OFT" means the Office of Fair Trading established by section 1 of the 2002 Act.

(10) A reference in this Order to a consumer advocacy body is a reference to—

(a) Citizens Advice,

(b) Citizens Advice Scotland, or

(c) the GCCNI.

Abolition of the National Consumer Council

2. The National Consumer Council is abolished.

Transfer of functions of the National Consumer Council

3.—(1) Schedule 1 has effect—

(a) to transfer certain functions of the National Consumer Council under—

(i) the Postal Services Act 2000(**11**),

(ii) the 2007 Act, and

(iii) the Postal Services Act 2011(**12**),

to the consumer advocacy bodies;

(b) to transfer certain functions of the National Consumer Council under—

(i) the Gas Act 1986(**13**),

(ii) the Electricity Act 1989(**14**),

(iii) the Utilities Act 2000(**15**),

(iv) the Communications Act 2003(**16**), and

(v) the 2007 Act,

to Citizens Advice and to Citizens Advice Scotland;

(c) to transfer certain functions of the National Consumer Council under—

(i) the Warm Homes and Energy Conservation Act 2000(**17**), and

(ii) the 2007 Act,

to Citizens Advice;

(d) to transfer certain functions of the National Consumer Council under—

(i) the Water Industry (Scotland) Act 2002(**18**),

(ii) the Water Services etc (Scotland) Act 2005(**19**), and

Natural Environment and Rural Communities Act 2006 (c. 16), Water and Sewage Services (Northern Ireland) Order 2006 No. 3336 (N.I.21) and the Transport Act (Northern Ireland) 2011 (c. 11).

(**11**) 2000 c. 26; relevant amendments have been made by the Postal Services Act 2011.

(**12**) 2011 c. 5; relevant amendments have been made to this Act by S.I. 2013/783.

(**13**) 1986 c. 44; relevant amendments have been made to this Act.

(**14**) 1989 c. 29; relevant amendments have been made to this Act.

(**15**) 2000 c. 27; relevant amendments have been made to this Act.

(**16**) 2003 c. 21.

(**17**) 2000 c. 31; relevant amendments have been made to this Act.

(**18**) 2002 asp 3.

(**19**) 2005 asp 3.

(iii) the Public Service Reform (Scotland) Act 2010(**20**),

to Citizens Advice Scotland;

(e) to transfer certain functions of the National Consumer Council under the 2007 Act to the GCCNI;

(f) to make consequential, supplementary incidental and transitional provision relating to the abolition of the National Consumer Council and the transfer of certain functions;

(g) to repeal the entry relating to the National Consumer Council in Schedule 1 to the Public Bodies Act 2011.

(2) A function transferred under paragraph (1)(a) or (b) to Citizens Advice or Citizens Advice Scotland—

(a) may be exercised by each of them jointly with the other;

(b) may be exercised on behalf of the one to which the function is transferred by the other of them, if they so agree.

(3) The conferring of functions on Citizens Advice or Citizens Advice Scotland by or under this Order is without prejudice to the functions of Citizens Advice and Citizens Advice Scotland not so conferred.

(4) A function transferred to the GCCNI under paragraph (1)(a) or (e) may be exercised by that body only in relation to consumer matters that relate to postal services in Northern Ireland.

(5) In paragraph (4) "consumer matters" has the meaning given by section 3 of the 2007 Act.

Transfer of OFT functions in relation to a consumer advice scheme

4. Schedule 1 also has effect—

(a) to transfer certain functions of the OFT under the 2007 Act in relation to a consumer advice scheme to Citizens Advice and Citizens Advice Scotland;

(b) to make consequential, supplementary and incidental provision relating to the transfer of certain functions relating to a consumer advice scheme from the OFT to Citizens Advice and Citizens Advice Scotland.

Transfer of OFT functions in relation to estate agents

5.—(1) The functions conferred on the OFT by the 1979 Act are transferred to the lead enforcement authority.

(2) The functions exercisable by the OFT under the 2007 Regulations by virtue of its role as the supervisory authority for estate agents pursuant to regulation 23(1)(b)(ii) of those Regulations are transferred to the Commissioners.

(3) The following Schedules have effect—

(a) Schedule 2, which—

(i) makes consequential, supplementary, incidental and transitional provision and savings relating to the transfer of functions under the Estate Agents Act 1979; and

(ii) repeals the entry relating to the OFT in Schedule 5 to the Public Bodies Act 2011;

(b) Schedule 3 (consequential, supplementary, incidental and transitional provision and savings relating to the transfer of functions under the 2007 Regulations).

(**20**) 2010 asp 8.

Name
Parliamentary Under Secretary of State for
Employment Relations and Consumer Affairs
Date Department for Business, Innovation and Skills