

LORDS AMENDMENTS TO THE
CONSUMER RIGHTS BILL

[The page and line references are to HL Bill 29, the bill as first printed for the Lords.]

Clause 3

- 1** Page 3, line 12, leave out “contract for which there is no consideration” and insert “gratuitous contract”

Clause 19

- 2** Page 10, line 42, leave out “Chapter” and insert “Part”

Clause 20

- 3** Page 11, line 11, at end insert “, subject to subsections (19) and (20)”

- 4** Page 11, line 21, at end insert –

“(7A) Whether or not the consumer has a duty to return the rejected goods, the trader must bear any reasonable costs of returning them, other than any costs incurred by the consumer in returning the goods in person to the place where the consumer took physical possession of them.”

- 5** Page 12, line 11, at end insert –

“(19) Subsection (20) qualifies the application in relation to England and Wales and Northern Ireland of the rights mentioned in subsections (1) to (3) where –

- (a) the contract is a severable contract,
- (b) in relation to the final right to reject, the contract is a contract for the hire of goods, a hire-purchase agreement or a contract for transfer of goods, and
- (c) section 26(3) does not apply.

(20) The consumer is entitled, depending on the terms of the contract and the circumstances of the case –

- (a) to reject the goods to which a severable obligation relates and treat that obligation as at an end (so that the entitlement to a refund relates only to what the consumer paid or transferred in relation to that obligation), or
- (b) to exercise any of the rights mentioned in subsections (1) to (3) in respect of the whole contract.”

Clause 21

6 Page 12, line 37, at end insert –

“(7A) Whether or not the consumer has a duty to return the rejected goods, the trader must bear any reasonable costs of returning them, other than any costs incurred by the consumer in returning those goods in person to the place where the consumer took physical possession of them.”

7 Page 12, line 38, leave out “(13)” and insert “(16)”

8 Page 13, line 8, at end insert –

“(12) Where section 20(20)(a) applies the reference in subsection (1) to the consumer treating the contract as at an end is to be read as a reference to the consumer treating the severable obligation as at an end.”

Clause 24

9 Page 15, line 38, leave out paragraphs (a) and (b) and insert –

- “(a) the goods consist of a motor vehicle, or
- (b) the goods are of a description specified by order made by the Secretary of State by statutory instrument.”

10 Page 15, line 43, leave out subsection (11)

11 Page 16, line 9, at end insert –

“(13) In subsection (10)(a) “motor vehicle” –

- (a) in relation to Great Britain, has the same meaning as in the Road Traffic Act 1988 (see sections 185 to 194 of that Act);
- (b) in relation to Northern Ireland, has the same meaning as in the Road Traffic (Northern Ireland) Order 1995 (SI 1995/2994 (NI 18)) (see Parts I and V of that Order).

(14) But a vehicle is not a motor vehicle for the purposes of subsection (10)(a) if it is constructed or adapted –

- (a) for the use of a person suffering from some physical defect or disability, and
- (b) so that it may only be used by one such person at any one time.

(15) An order under subsection (10)(b) –

- (a) may be made only if the Secretary of State is satisfied that it is appropriate to do so because of significant detriment caused to traders as a result of the application of subsection (10) in relation to goods of the description specified by the order;
- (b) may contain transitional or transitory provision or savings.

(16) No order may be made under subsection (10)(b) unless a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, each House of Parliament.”

After Clause 32

12 Insert the following new Clause –

“Secondary ticketing platforms

Secondary ticketing platforms: seller profiles and ticket information

- (1) Secondary ticketing operators must, on the website on which tickets are offered for sale or transfer, provide information concerning the sellers of tickets so that sellers may be easily identified.
- (2) Information provided by virtue of subsection (1) must include, but is not limited to –
 - (a) the name of the seller;
 - (b) if the seller is an undertaking, its registered number, jurisdiction of registration, registered office address, and if registered outside the United Kingdom, a valid address for service; and
 - (c) the VAT registration number of the seller, if applicable.
- (3) Information provided under subsection (1) must be –
 - (a) accurate; and
 - (b) prominently displayed before a buyer is able to complete the purchase of the ticket.
- (4) Secondary ticketing operators must disclose clearly and prominently where the seller of a ticket is –
 - (a) the secondary ticketing platform or a subsidiary undertaking or parent undertaking of the secondary ticketing platform;
 - (b) a person or persons employed or engaged by the secondary ticketing platform;
 - (c) other persons connected to employees, directors or shareholders of the secondary ticketing platform, or any of its subsidiary undertakings or parent undertakings;
 - (d) the event organiser or an agent acting on its behalf;
 - (e) any other party connected to the organisation of the event.
- (5) Where a ticket is offered for sale or transfer through a secondary ticketing platform –
 - (a) the seller must provide all relevant information about the ticket;
 - (b) the secondary ticketing operator must publish all relevant information about a ticket in a prominent and clear manner; and
 - (c) the secondary ticket operator must immediately remove the ticket from sale when it is informed by the event organiser that the information provided is inaccurate or incomplete.
- (6) Information to be provided by the seller and published by the secondary ticketing operator for the purposes of subsection (1) must include, without limitation –
 - (a) the face value of the ticket;
 - (b) any age or other restrictions on the user of the ticket;
 - (c) the designated location of the ticket including the stand, the block, the row and the seat number of the ticket, where applicable; and
 - (d) the ticket booking identification or reference number.

- (7) Where tickets are being resold in contravention of the terms and conditions agreed to by the original purchaser, this must be stated prominently by the secondary ticketing platform at every stage of the purchasing process.
- (8) Information provided by virtue of this section must be –
- (a) accurate; and
 - (b) prominently displayed before a buyer is able to complete the purchase of that ticket.
- (9) For the purposes of this section –
- “secondary ticketing platform” means an internet-based facility for the resale of tickets to events in the United Kingdom of Great Britain and Northern Ireland, regardless of the jurisdiction in which the owner of the service is registered;
- “secondary ticketing operator” means, in relation to a secondary ticketing platform, the person (whether incorporated or not) operating that secondary ticketing platform;
- “ticket” means anything which purports to be a ticket, including any item, tangible or intangible, which grants the holder the right to entry to an event;
- “event” means any sporting, music or cultural activity taking place at a specified time and place for which tickets are issued and required for entry or attendance;
- “event organiser” means the person responsible for organising and holding an event and receiving the revenue from the event;
- the term “undertaking” has the meanings given in section 1161 of the Companies Act 2006 (meaning of “undertaking” and related expressions);
- the terms “subsidiary undertaking” and “parent undertaking” have the meanings given in section 1162 of the Companies Act 2006 (parent and subsidiary undertakings);
- the term “person” refers to a natural person or a body corporate.
- (10) This section will come into force no later than six months after this Act is passed.”

Clause 40

13 Page 25, line 27, at end insert –

- “(1A) Subsection (1)(c) does not prevent the trader from improving the features of, or adding new features to, the digital content, as long as –
- (a) the digital content continues to match the description of it given by the trader to the consumer, and
 - (b) the digital content continues to conform to the information provided by the trader as mentioned in subsection (3) of section 36, subject to any change to that information that has been agreed in accordance with subsection (4) of that section.”

14 Page 25, line 29, leave out “those sections as applied by subsection (1)” and insert “the sections listed in subsection (1) as applied by that subsection”

Clause 42

15 Page 26, line 31, at end insert –

“(7A) It is not open to the consumer to treat the contract as at an end for breach of a term to which any of subsections (2), (4) or (5) applies.”

Clause 47

- 16 Page 29, line 24, after “described),” insert –
“(ca) section 37 (other pre-contract information included in contract),”
- 17 Page 29, line 24, at end insert “or”
- 18 Page 29, line 25, leave out from “content)” to end of line 26
- 19 Page 29, line 30, leave out “that subsection” and insert “subsection (1)”
- 20 Page 29, line 41, at end insert –
“(6) For provision limiting the ability of a trader under a contract within section 46 to exclude or restrict the trader’s liability under that section, see section 62.”

Clause 48

- 21 Page 30, line 8, leave out “contract for which there is no consideration” and insert “gratuitous contract”
- 22 Page 30, line 14, at end insert –
“(5A) The power in subsection (5) includes power to provide that a provision of this Chapter does not apply in relation to a service of a description specified in the order in the circumstances so specified.”

Clause 59

- 23 Page 35, line 38, at end insert –
“(2) References in this Part to treating a contract as at an end are to be read in accordance with section 19(13).”

After Clause 79

- 24 Insert the following new Clause –

“Contravention of code regulating premium rate services

- (1) In section 120(3) of the Communications Act 2003 (conditions under section 120 must require compliance with directions given in accordance with an approved code or with an order under section 122) before paragraph (a) insert –
“(za) the provisions of an approved code;”
- (2) In section 121(5) of that Act (provision about enforcement that may be made by approved code) after paragraph (a) insert –
“(aa) provision that applies where there is or has been more than one contravention of the code or directions given in accordance with it by a person and which enables –
(i) a single penalty (which does not exceed that maximum penalty) to be imposed on the person in respect of all of those contraventions, or

- (ii) separate penalties (each of which does not exceed that maximum penalty) to be imposed on the person in respect of each of those contraventions, according to whether the person imposing the penalty determines that a single penalty or separate penalties are appropriate and proportionate to those contraventions;”.
- (3) Section 123 of that Act (enforcement by OFCOM of conditions under section 120) is amended as follows.
- (4) After subsection (1) insert –
 - “(1A) Subsection (1B) applies where a notification under section 94 as applied by this section relates to more than one contravention of –
 - (a) a code approved under section 121,
 - (b) directions given in accordance with such a code, or
 - (c) an order under section 122.
 - (1B) Section 96(3) as applied by this section enables OFCOM to impose –
 - (a) a single penalty in respect of all of those contraventions, or
 - (b) separate penalties in respect of each of those contraventions, according to whether OFCOM determine that a single penalty or separate penalties are appropriate and proportionate to those contraventions.”
- (5) In subsection (2) (maximum amount of penalty) for “the penalty” substitute “each penalty”.”

After Clause 80

25 Insert the following new Clause –

“Appointment of judges to the Competition Appeal Tribunal

- (1) In section 12(2) of the Enterprise Act 2002 (constitution of the Competition Appeal Tribunal) after paragraph (a) insert –
 - “(aa) such judges as are nominated from time to time by the Lord Chief Justice of England and Wales from the High Court of England and Wales;
 - (ab) such judges as are nominated from time to time by the Lord President of the Court of Session from the judges of the Court of Session;
 - (ac) such judges as are nominated from time to time by the Lord Chief Justice of Northern Ireland from the High Court in Northern Ireland;”.
- (2) In section 14 of that Act (constitution of the Competition Appeal Tribunal for particular proceedings and its decisions) –
 - (a) in subsection (2) after “the President” insert “, a judge within any of paragraphs (aa) to (ac) of section 12(2)”, and
 - (b) in subsection (3) for “either” substitute “the judges within paragraphs (aa) to (ac) of section 12(2)”,.
- (3) In Schedule 4 (Tribunal procedure) to that Act, in paragraph 18(3)(b) (consequences of member of Tribunal being unable to continue) after “if

that person is not” insert “a judge within any of paragraphs (aa) to (ac) of section 12(2) or”.

Clause 81

- 26** Page 43, line 28, at end insert –
- “(4A) Subsections (4B) and (4C) apply to a letting agent engaging in letting agency or property management work in relation to dwelling-houses in England.
- (4B) If the agent holds money on behalf of persons to whom the agent provides services as part of that work, the duty imposed on the agent by subsection (2) or (3) includes a duty to display or publish, with the list of fees, a statement of whether the agent is a member of a client money protection scheme.
- (4C) If the agent is required to be a member of a redress scheme for dealing with complaints in connection with that work, the duty imposed on the agent by subsection (2) or (3) includes a duty to display or publish, with the list of fees, a statement –
- (a) that indicates that the agent is a member of a redress scheme, and
 - (b) that gives the name of the scheme.”
- 27** Page 43, line 29, leave out “Secretary of State” and insert “appropriate national authority”
- 28** Page 43, line 31, at end insert “or (where applicable) a statement within subsection (4B) or (4C)”
- 29** Page 43, line 32, at end insert –
- “(6) In this section –
- “client money protection scheme” means a scheme which enables a person on whose behalf a letting agent holds money to be compensated if all or part of that money is not repaid to that person in circumstances where the scheme applies;
 - “redress scheme” means a redress scheme for which provision is made by order under section 83 or 84 of the Enterprise and Regulatory Reform Act 2013.”

Clause 82

- 30** Page 44, line 2, leave out “Secretary of State” and insert “appropriate national authority”
- 31** Page 44, line 4, leave out “Secretary of State” and insert “appropriate national authority”

Clause 83

- 32** Page 44, line 12, leave out “in England”
- 33** Page 44, line 13, leave out “in England”
- 34** Page 44, line 22, leave out “Secretary of State” and insert “appropriate national authority”

Clause 84

- 35 Page 44, line 27, leave out “in England”
 36 Page 44, line 29, leave out “in England”
 37 Page 45, line 3, leave out “in England”

After Clause 84

- 38 Insert the following new Clause—

“Enforcement of the duty

- (1) It is the duty of every local weights and measures authority in England and Wales to enforce the provisions of this Chapter in its area.
- (2) If a letting agent breaches the duty in section 81(3) (duty to publish list of fees on agent’s website), that breach is taken to have occurred in each area of a local weights and measures authority in England and Wales in which a dwelling-house to which the fees relate is located.
- (3) Where a local weights and measures authority in England and Wales is satisfied on the balance of probabilities that a letting agent has breached a duty imposed by or under section 81, the authority may impose a financial penalty on the agent in respect of that breach.
- (4) A local weights and measures authority in England and Wales may impose a penalty under this section in respect of a breach which occurs in England and Wales but outside that authority’s area (as well as in respect of a breach which occurs within that area).
- (5) But a local weight and measures authority in England and Wales may impose a penalty in respect of a breach which occurs outside its area and in the area of a local weights and measures authority in Wales only if it has obtained the consent of that authority.
- (6) Only one penalty under this section may be imposed on the same letting agent in respect of the same breach.
- (7) The amount of a financial penalty imposed under this section—
 - (a) may be such as the authority imposing it determines, but
 - (b) must not exceed £5,000.
- (8) Schedule (*Duty of letting agents to publicise fees: financial penalties*) (procedure for and appeals against financial penalties) has effect.
- (9) A local weights and measures authority in England must have regard to any guidance issued by the Secretary of State about—
 - (a) compliance by letting agents with duties imposed by or under section 81;
 - (b) the exercise of its functions under this section or Schedule (*Duty of letting agents to publicise fees: financial penalties*).
- (10) A local weights and measures authority in Wales must have regard to any guidance issued by the Welsh Ministers about—
 - (a) compliance by letting agents with duties imposed by or under section 81;

- (b) the exercise of its functions under this section or Schedule (*Duty of letting agents to publicise fees: financial penalties*).
- (11) The Secretary of State may by regulations made by statutory instrument –
- (a) amend any of the provisions of this section or Schedule (*Duty of letting agents to publicise fees: financial penalties*) in their application in relation to local weights and measures authorities in England;
 - (b) make consequential amendments to Schedule 5 in its application in relation to such authorities.
- (12) The Welsh Ministers may by regulations made by statutory instrument –
- (a) amend any of the provisions of this section or Schedule (*Duty of letting agents to publicise fees: financial penalties*) in their application in relation to local weights and measures authorities in Wales;
 - (b) make consequential amendments to Schedule 5 in its application in relation to such authorities.”

Clause 85

39 Leave out Clause 85

Clause 86

- 40 Page 46, line 15, at end insert –
 ““the appropriate national authority” means –
 (a) in relation to England, the Secretary of State, and
 (b) in relation to Wales, the Welsh Ministers;”
- 41 Page 46, line 18, after “is” insert “– (i)”
- 42 Page 46, line 18, at end insert –
 “(ii) a registered social landlord, or
 (iii) a fully mutual housing association,”
- 43 Page 46, line 21, at end insert –
 ““fully mutual housing association” has the same meaning as in Part 1 of the Housing Associations Act 1985 (see section 1(1) and (2) of that Act);”
- 44 Page 46, line 32, at end insert –
 ““registered social landlord” means a body registered as a social landlord under Chapter 1 of Part 1 of the Housing Act 1996;”
- 45 Page 46, line 37, leave out “in England”
- 46 Page 46, line 37, at end insert –
 “(aa) a county borough council,”
- 47 Page 47, line 4, leave out subsection (6) and insert –
 “(6) A statutory instrument containing (whether alone or with other provision) regulations made by the Secretary of State under section (*Enforcement of the duty*)(11) is not to be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
 (6A) A statutory instrument containing (whether alone or with other provision) regulations made by the Welsh Ministers under section (*Enforcement of the*

duty)(12) is not to be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.”

48 Page 47, line 9, after “regulations” insert “made by the Secretary of State”

49 Page 47, line 11, at end insert –

“(7A) A statutory instrument containing regulations made by the Welsh Ministers under this Chapter other than one to which subsection (6A) applies is subject to annulment in pursuance of a resolution of the National Assembly for Wales.”

After Clause 86

50 Insert the following new Clause –

“CHAPTER 3A

STUDENT COMPLAINTS SCHEME

Qualifying institutions for the purposes of the student complaints scheme

- (1) The Higher Education Act 2004 is amended as follows.
- (2) In section 11 (qualifying institutions for the purposes of the student complaints scheme) after paragraph (d) insert –
 - “(e) an institution (other than one within another paragraph of this section) which provides higher education courses which are designated for the purposes of section 22 of the 1998 Act by or under regulations under that section;
 - (f) an institution (other than one within another paragraph of this section) whose entitlement to grant awards is conferred by an order under section 76(1) of the 1992 Act.”
- (3) In section 12 (qualifying complaints for the purposes of the student complaints scheme) –
 - (a) in subsection (1) for “subsection (2)” substitute “subsections (2) and (3)”, and
 - (b) after subsection (2) insert –
 - “(3) The designated operator may determine that a complaint within subsection (1) about an act or omission of a qualifying institution within paragraph (e) or (f) of section 11 is a qualifying complaint only if it is made by a person who is undertaking or has undertaken a particular course or a course of a particular description.””

Clause 87

51 Page 47, line 28, leave out “or revokes” and insert “, revokes or otherwise modifies”

52 Page 47, line 32, leave out “or revoke” and insert “, revoke or otherwise modify”

Clause 88

53 Page 48, line 4, at end insert “other than the coming into force of Chapter 3 or 3A of this Part in relation to Wales.

- (2) The Welsh Ministers may by order made by statutory instrument make transitional, transitory or saving provision in connection with the coming into force of Chapter 3 or 3A of this Part in relation to Wales.”

Clause 90

54 Page 48, line 14, at end insert –

“(2A) Chapter 3 of this Part extends only to England and Wales.”

Clause 91

55 Page 48, line 18, leave out “This Chapter comes” and insert “The provisions of this Act listed in subsection (1A) come”

56 Page 48, line 18, at end insert –

“(1A) Those provisions are –

- (a) section 48(5) to (7),
- (b) Chapter 3 of this Part in so far as it confer powers to make regulations,
- (c) section 86(5) to (9),
- (d) this Chapter, and
- (e) paragraph 12 of Schedule 5.

(1B) Chapters 3 and 3A of this Part come into force –

- (a) in relation to England, on such day as the Secretary of State may appoint by order made by statutory instrument;
- (b) in relation to Wales, on such day as the Welsh Ministers may appoint by order made by statutory instrument.”

Schedule 3

57 Page 61, line 9, leave out sub-paragraph (7) and insert –

“(7) No order may be made under sub-paragraph (2) unless a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, each House of Parliament.”

Schedule 5

58 Page 72, line 8, at end insert –

“section (*Enforcement of the duty*)(1) of this Act.”

59 Page 73, leave out lines 8 to 11

60 Page 80, line 14, at beginning insert “In the case of a routine inspection,”

61 Page 80, line 14, leave out “that sub-paragraph” and insert “sub-paragraph (1)”

62 Page 80, line 24, at end insert –

“(5A) In this paragraph “routine inspection” means an exercise of the power in sub-paragraph (1) other than where –”

63 Page 80, line 25, leave out “of entry is to be” and insert “is”

64 Page 80, line 26, leave out “and the officer” and insert “who”

- 65 Page 80, line 29, leave out “this paragraph” and insert “sub-paragraph (3)”
- 66 Page 80, line 31, leave out “this paragraph” and insert “that sub-paragraph”
- 67 Page 80, line 38, leave out “a notice is not given, and the officer” and insert “an officer of an enforcer enters premises under sub-paragraph (1) otherwise than in the course of a routine inspection, and”
- 68 Page 80, line 43, leave out from beginning to “finds” and insert “If an officer of an enforcer enters premises under sub-paragraph (1) and”

Schedule 6

- 69 Page 104, line 20, leave out paragraph (e)

Schedule 8

- 70 Page 113, line 35, at end insert “so as to substitute a different charity for the one for the time being specified in that subsection.”
- 71 Page 113, line 38, at end insert –
 “(za) “charity” means a body, or the trustees of a trust, established for charitable purposes only;”
- 72 Page 119, line 38, at end insert –
 “(3A) The CMA may approve a redress scheme under subsection (2)(b) subject to a condition or conditions requiring the provision of further information about the operation of the scheme (including about the amount or value of compensation to be offered under the scheme or how this will be determined).
 (3B) If the CMA approves a redress scheme subject to such a condition, it may –
 (a) approve the scheme subject to other conditions;
 (b) withdraw approval from the scheme if any conditions imposed under subsection (3A) or paragraph (a) are not met;
 (c) approve a redress scheme as a replacement for the original scheme (but may not approve that scheme subject to conditions).”
- 73 Page 119, line 40, at end insert –
 “(4A) But, where the CMA approves a redress scheme subject to a condition of the kind mentioned in subsection (3A), subsection (4) does not prevent further information provided in accordance with the condition from forming part of the terms of the scheme.”
- 74 Page 124, line 15, leave out “47C(6)” and insert “47C(7)”
- 75 Page 128, line 40, at end insert –
 “(ba) after sub-paragraph (2) insert –
 “(2A) Rules under sub-paragraph (1)(h) may provide for costs or expenses to be awarded to or against a person on whose behalf a claim is made or continued in proceedings under section 47B of the 1998 Act in respect of an application in the proceedings made by

that person (where that application is not made by the representative in the proceedings on that person's behalf).";

76 Page 129, line 30, leave out "47C(7)" and insert "47C(8)"

After Schedule 8

77 Insert the following new Schedule –

"DUTY OF LETTING AGENTS TO PUBLICISE FEES: FINANCIAL PENALTIES

Notice of intent

- 1 (1) Before imposing a financial penalty on a letting agent for a breach of a duty imposed by or under section 81, a local weights and measures authority must serve a notice on the agent of its proposal to do so (a "notice of intent").
- (2) The notice of intent must be served before the end of the period of 6 months beginning with the first day on which the authority has sufficient evidence of the agent's breach, subject to sub-paragraph (3).
- (3) If the agent is in breach of the duty on that day, and the breach continues beyond the end of that day, the notice of intent may be served –
 - (a) at any time when the breach is continuing, or
 - (b) within the period of 6 months beginning with the last day on which the breach occurs.
- (4) The notice of intent must set out –
 - (a) the amount of the proposed financial penalty,
 - (b) the reasons for proposing to impose the penalty, and
 - (c) information about the right to make representations under paragraph 2.

Right to make representations

- 2 The letting agent may, within the period of 28 days beginning with the day after that on which the notice of intent was sent, make written representations to the local weights and measures authority about the proposal to impose a financial penalty on the agent.

Final notice

- 3 (1) After the end of the period mentioned in paragraph 2 the local weights and measures authority must –
 - (a) decide whether to impose a financial penalty on the letting agent, and
 - (b) if it decides to do so, decide the amount of the penalty.
- (2) If the authority decides to impose a financial penalty on the agent, it must serve a notice on the agent (a "final notice") imposing that penalty.
- (3) The final notice must require the penalty to be paid within the period of 28 days beginning with the day after that on which the notice was sent.
- (4) The final notice must set out –

- (a) the amount of the financial penalty,
- (b) the reasons for imposing the penalty,
- (c) information about how to pay the penalty,
- (d) the period for payment of the penalty,
- (e) information about rights of appeal, and
- (f) the consequences of failure to comply with the notice.

Withdrawal or amendment of notice

- 4 (1) A local weights and measures authority may at any time –
- (a) withdraw a notice of intent or final notice, or
 - (b) reduce the amount specified in a notice of intent or final notice.
- (2) The power in sub-paragraph (1) is to be exercised by giving notice in writing to the letting agent on whom the notice was served.

Appeals

- 5 (1) A letting agent on whom a final notice is served may appeal against that notice to –
- (a) the First-tier Tribunal, in the case of a notice served by a local weights and measures authority in England, or
 - (b) the residential property tribunal, in the case of a notice served by a local weights and measures authority in Wales.
- (2) The grounds for an appeal under this paragraph are that –
- (a) the decision to impose a financial penalty was based on an error of fact,
 - (b) the decision was wrong in law,
 - (c) the amount of the financial penalty is unreasonable, or
 - (d) the decision was unreasonable for any other reason.
- (3) An appeal under this paragraph to the residential property tribunal must be brought within the period of 28 days beginning with the day after that on which the final notice was sent.
- (4) If a letting agent appeals under this paragraph, the final notice is suspended until the appeal is finally determined or withdrawn.
- (5) On an appeal under this paragraph the First-tier Tribunal or (as the case may be) the residential property tribunal may quash, confirm or vary the final notice.
- (6) The final notice may not be varied under sub-paragraph (5) so as to make it impose a financial penalty of more than £5,000.

Recovery of financial penalty

- 6 (1) This paragraph applies if a letting agent does not pay the whole or any part of a financial penalty which, in accordance with this Schedule, the agent is liable to pay.
- (2) The local weights and measures authority which imposed the financial penalty may recover the penalty or part on the order of the county court as if it were payable under an order of that court.

- (3) In proceedings before the county court for the recovery of a financial penalty or part of a financial penalty, a certificate which is—
 - (a) signed by the chief finance officer of the local weights and measures authority which imposed the penalty, and
 - (b) states that the amount due has not been received by a date specified in the certificate,is conclusive evidence of that fact.
- (4) A certificate to that effect and purporting to be so signed is to be treated as being so signed unless the contrary is proved.
- (5) A local weights and measures authority may use the proceeds of a financial penalty for the purposes of any of its functions (whether or not the function is expressed to be a function of a local weights and measures authority).
- (6) In this paragraph “chief finance officer” has the same meaning as in section 5 of the Local Government and Housing Act 1989.”

In the Title

78 Line 4, after “law” insert “and the Competition Appeal Tribunal”

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