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STATUTORY INSTRUMENTS

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**2013 No. 1575**

**CONSUMER PROTECTION**

**The Property Misdescriptions Act 1991 (Repeal) Order 2013**

<i>Made</i>	- - - -	<i>26th June 2013</i>
<i>Laid before Parliament</i>		<i>28th June 2013</i>
<i>Coming into force</i>	- -	<i>1st October 2013</i>

The Secretary of State is a Minister designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to measures relating to consumer protection and in relation to measures relating to the control of advertising.

The Secretary of State makes the following Order in exercise of the powers conferred by section 2(2) of that Act.

**Citation and commencement**

1. This Order may be cited as the Property Misdescriptions Act 1991 (Repeal) Order 2013 and comes into force on 1 October 2013.

**Repeal of the Property Misdescriptions Act 1991**

2. The Property Misdescriptions Act 1991<sup>(3)</sup> is repealed.

**Consequential amendments**

3. The amendments in the Schedule have effect.

26th June 2013

*Jo Swinson*  
Parliamentary Under Secretary of State for  
Employment Relations and Consumer Affairs  
Department for Business, Innovation and Skills

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(1) [S.I. 1993/2661](#) and [S.I. 1985/749](#).  
(2) [1972 c.68](#). Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 ([c.51](#)) and by section 3(3) of and Part 1 of the Schedule to the European Union (Amendment) Act 2008 ([c.7](#)).  
(3) [c.29](#).

SCHEDULE

Article 3

CONSEQUENTIAL AMENDMENTS

PART 1

Amendments to Acts

**Railways Act 1993**

1. In section 145 of the Railways Act 1993(4) (general restrictions on disclosure of information), in subsection (3), omit paragraph (o).

**Greater London Authority Act 1999**

2. In section 235 of the Greater London Authority Act 1999(5) (restrictions on disclosure of information), in subsection (3), omit paragraph (o).

**Transport Act 2000**

3. In Schedule 9 to the Transport Act 2000(6) (air traffic: information), in paragraph 3 (other permitted disclosures), in sub-paragraph (3), omit paragraph (m).

**Criminal Justice and Police Act 2001**

4. The Criminal Justice and Police Act 2001(7) is amended as follows.
5. In section 66 (general interpretation of Part 2), in subsection (4), omit paragraph (k).
6. In Schedule 1 (powers of seizure), in Part 1 (powers to which section 50 applies), omit paragraph 53.
7. In Schedule 2 (applications and minor and consequential amendments), in Part 2 (minor and consequential amendments), omit paragraph 20.

**Enterprise Act 2002**

8. The Enterprise Act 2002(8) is amended as follows.
9. In section 247 (repeals), omit paragraph (h).
10. In Schedule 14 (specified functions), omit “Property Misdescriptions Act 1991 (c.29)”.
11. In Schedule 15 (enactments conferring functions), omit “Property Misdescriptions Act 1991 (c.29)”.

**Regulatory Enforcement and Sanctions Act 2008**

12. The Regulatory Enforcement and Sanctions Act 2008(9) is amended as follows.

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(4) 1993 c.43.  
(5) 1999 c.29.  
(6) 2000 c.38.  
(7) 2001 c.16.  
(8) 2002 c.40.  
(9) 2008 c.13.

13. In Schedule 3 (enactments specified for the purposes of Part 1), omit “Property Misdescriptions Act 1991 (c.29)”.

14. In Schedule 6 (enactments specified for the purposes of orders under Part 3), omit “Property Misdescriptions Act 1991 (c.29)”.

#### **Civil Aviation Act 2012**

15. In Schedule 6 to the Civil Aviation Act 2012(10) (restrictions on disclosing information), in paragraph 4 (other permitted disclosures), in sub-paragraph (3), omit “Property Misdescriptions Act 1991;”.

#### **Land Registration etc. (Scotland) Act 2012**

16. In schedule 5 to the Land Registration etc. (Scotland) Act 2012(11) (minor and consequential modifications), omit paragraph 32.

## **PART 2**

### **Amendments to secondary legislation**

#### **Estate Agents (Specified Offences) (No. 2) Order 1991**

17. In the Schedule to the Estate Agents (Specified Offences) (No. 2) Order 1991(12) (specified offences), omit the entry relating to the Property Misdescriptions Act 1991.

#### **Enterprise Act 2002 (Part 8 Notice to OFT of Intended Prosecution Specified Enactments, Revocation and Transitional Provision) Order 2003**

18. In the Schedule to the Enterprise Act 2002 (Part 8 Notice to OFT of Intended Prosecution Specified Enactments, Revocation and Transitional Provision) Order 2003(13), omit the entry relating to the Property Misdescriptions Act 1991.

#### **Enterprise Act 2002 (Part 8 Domestic Infringements) Order 2003**

19. In the Schedule to the Enterprise Act 2002 (Part 8 Domestic Infringements) Order 2003(14), in Part 1 (legislation of the United Kingdom Parliament), omit the entry relating to the Property Misdescriptions Act 1991.

#### **Legislative and Regulatory Reform (Regulatory Functions) Order 2007**

20. The Legislative and Regulatory Reform (Regulatory Functions) Order 2007(15) is amended as follows.

21. In Part 3 of the Schedule, under the heading “Estate agents”, omit “Property Misdescriptions Act 1991”.

22. In Part 6 of the Schedule, omit “Property Misdescriptions Act 1991”.

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(10) 2012 c.19.

(11) 2012 asp 5.

(12) S.I. 1991/1091, amended by S.I. 1992/2833. There are other amending instruments but none is relevant.

(13) S.I. 2003/1376, to which there are amendments not relevant to this Order.

(14) S.I. 2003/1593, to which there are amendments not relevant to this Order.

(15) S.I. 2007/3544, amended by S.I. 2009/2981; there are other amending instruments but none is relevant.

### **Co-ordination of Regulatory Enforcement (Regulatory Functions in Scotland and Northern Ireland) Order 2009**

23. In Schedule 1 to the Co-ordination of Regulatory Enforcement (Regulatory Functions in Scotland and Northern Ireland) Order 2009(16), in Part 2, omit “Property Misdescriptions Act 1991”.

### **Legislative and Regulatory Reform (Regulatory Functions) (Amendment) Order 2009**

24. In the Schedule to the Legislative and Regulatory Reform (Regulatory Functions) (Amendment) Order 2009(17) (new Parts 5 to 13 to be inserted in the Schedule to the 2007 Order), omit “Property Misdescriptions Act 1991”.

### **Postal Services Act 2011 (Disclosure of Information) Order 2012**

25. In article 4 of the Postal Services Act 2011 (Disclosure of Information) Order 2012(18) (Prescription of enactments), omit “the Property Misdescriptions Act 1991;”.

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## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order repeals the Property Misdescriptions Act 1991 and makes consequential amendments to other enactments.

Since the introduction of the 1991 Act, [Directive 2005/29/EC](#) of the European Parliament and of the Council concerning unfair business-to-consumer commercial practices (OJ No. L 149, 11.6.2005, p 22) and [Directive 2006/114/EC](#) of the European Parliament and of the Council concerning misleading and comparative advertising (OJ No. L 376, 27.12.2006, p 21) have been implemented in the United Kingdom. They provide the same protection for consumers as the 1991 Act but in a broader and more modern framework. The 1991 Act has therefore become unnecessary.

Article 2 repeals the Property Misdescriptions Act 1991.

Article 3 and the Schedule make consequential amendments to other enactments.

An impact assessment has been prepared in relation to this Order and will be placed in the Library of each House of Parliament. Copies may also be obtained via [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/34614/12-1154-estate-agents-market-regulatory-reform-impact.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/34614/12-1154-estate-agents-market-regulatory-reform-impact.pdf).

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(16) [S.I. 2009/669](#), to which there are amendments not relevant to this Order.

(17) [S.I. 2009/2981](#).

(18) [S.I. 2012/1128](#).