



Estate Agents Act 1979

CHAPTER 38

ESTATE AGENTS ACT 1979

Application of Act

- 1 Estate agency work.
- 2 Interests in land.

Orders by the lead enforcement authority

- 3 Orders prohibiting unfit persons from doing estate agency work.
- 4 Warning orders.
- 5 Supplementary provisions as to orders under sections 3 and 4.
- 6 Revocation and variation of orders under sections 3 and 4.
- 7 Appeals.
- 8 Register of orders etc.

Information, entry and inspection

- 9 Information for the lead enforcement authority
- 9A Notice of convictions and judgments
- 10 Restriction on disclosure of information.
- 11 Powers of entry and inspection.
- 11A Failure to produce information

Clients' money and accounts

- 12 Meaning of "clients' money" etc.
- 13 Clients' money held on trust or as agent.
- 14 Keeping of client accounts.
- 15 Interest on clients' money.
- 16 Insurance cover for clients' money.
- 17 Exemptions from section 16.

Changes to legislation: Estate Agents Act 1979 is up to date with all changes known to be in force on or before 20 October 2023. 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

Regulation of other aspects of estate agency work

- 18 Information to clients of prospective liabilities.
- 19 Regulation of pre-contract deposits outside Scotland.

Supervision, enforcement, publicity, etc.

- 20 Prohibition of pre-contract deposits in Scotland.
- 21 Transactions in which an estate agent has a personal interest.
- 22 Standards of competence.
- 23 Bankrupts not to engage in estate agency work.

Redress schemes

- 23A Redress schemes
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Supervision, enforcement, publicity etc.

- 24 Supervision by Council on Tribunals.
- 24A Lead enforcement authority
- 25 General duties of the lead enforcement authority
- 26 Enforcement authorities.
- 27 Obstruction and personation of authorised officers.

Supplementary

- 28 General provisions as to offences.
- 29 Service of notices etc.
- 30 Orders and regulations.
- 31 Meaning of “business associate” and “controller”.
- 32 Meaning of “associate”.
- 33 General interpretation provisions.
- 34 Financial provisions.
- 35 Scotland.
- 36 Short title, commencement and extent.

SCHEDULES

SCHEDULE 1 — Provisions Supplementary to Section 3(1)

Spent convictions

- 1 A person is not to be treated for the purposes...

Discrimination

- 2 A person shall be deemed to have committed discrimination for...
- 3 After the expiry of the period of five years beginning...
- 4 For the purposes of paragraphs 2 and 3 “discrimination” and...
- 5 In the application of paragraphs 2 to 4 above to...
- 6 In the application of paragraphs 2 to 4 above to...

SCHEDULE 2 — Procedure etc.

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Part I — ORDERS AND DECISIONS UNDER SECTIONS 3, 4 AND 6

Introductory

- 1 In this Schedule— (a) subject to sub-paragraph (2) below, references...

Notice of proposal

- 2 (1) The lead enforcement authority shall give to the person...

Hearing of representations

- 3 Where the lead enforcement authority receives notice under paragraph 2(3)(b)...
- 4 (1) In the course of the hearing of oral representations...
- 5 If the lead enforcement authority adjourns the hearing it shall...

Decision

- 6 (1) The lead enforcement authority shall take into account in...
- 7 If the lead enforcement authority decides not to proceed with...
- 8 If the lead enforcement authority decides to proceed with its...

Notification of decision

- 9 (1) Notice of the decision to make the order, and...
 - 10 (1) Subject to sub-paragraph (2) below, the order to which...
- Part II — APPLICATIONS UNDER SECTIONS 6(1) AND 8(3)
- 11 Any reference in this Part of this Schedule to an...
 - 12 An application shall be in writing and be in such...
 - 13 The lead enforcement authority may by notice require the applicant...
 - 14 If an application does not comply with paragraph 12 above...

SCHEDULE 3 — Redress Schemes

Approval of redress schemes

- 1 A redress scheme may be approved for the purposes of...
- 2 (1) A scheme may not be approved unless the lead...
- 3 (1) In determining whether a scheme, or any provisions mentioned...
- 4 The lead enforcement authority must not approve a scheme unless...
- 5 The lead enforcement authority must not approve a scheme if...

Applications for approval to the lead enforcement authority

- 6 An application for approval by the lead enforcement authority of...
- 7 Where the lead enforcement authority is proposing to refuse an...
- 8 If the lead enforcement authority decides to refuse an application...

Notification of changes to an approved scheme

- 9 The scheme administrator of a redress scheme which is approved...

Withdrawal of approval by the lead enforcement authority

- 10 The lead enforcement authority may withdraw approval of a redress...

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- 11 Before withdrawing approval of a scheme, the lead enforcement authority...
- 12 The lead enforcement authority must give the scheme administrator a...
- 13 If the lead enforcement authority decides to withdraw approval of...

Revocation of designation by the Secretary of State

- 14 If the Secretary of State decides to revoke his designation...

Defamation proceedings

- 15 For the purposes of the law relating to defamation, proceedings...

Interpretation

- 16 In this Schedule— “ redress scheme ” has the meaning...

SCHEDULE 4 — Penalty notices under section 23B(1)

- 1 A penalty charge notice given to a person under section...
- 2 The penalty charge specified in the notice shall be of...
- 3 (1) The period specified under paragraph 1(c) must not be...
- 4 The enforcement authority may, if they consider that the penalty...
- 5 (1) If, within the period specified under paragraph 1(c) (or...
- 6 (1) If after a review the penalty charge notice is...
- 7 If the penalty charge notice is withdrawn or quashed, the...
- 8 (1) The amount of the penalty charge is recoverable from...
- 9 In proceedings for the recovery of the penalty charge, a...
- 10 Section 29 (service of notices etc.) applies in relation...
- 11 The Secretary of State may by regulations make provision supplementary...
- 12 Any power to make regulations under this Schedule shall be...

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Changes and effects yet to be applied to :

- s. 1(2)(e) words inserted by [2023 asc 3 Sch. 13 para. 18](#)
- s. 3(1)(c) word substituted by [2007 c. 17 s. 54\(2\)](#)
- s. 7(6) words substituted by [2005 c. 4 Sch. 9 para. 31](#) (Amending provision was revoked on 1.9.2009)
- s. 10 words substituted by [2003 c. 20 Sch. 2 para. 19\(e\)](#) (S. 10 was repealed on 20.6.2003)
- s. 30(2) word inserted by [2007 c. 17 Sch. 7 para. 3](#)

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\(1\)](#)