

*Status: This version of this provision is prospective.*

*Changes to legislation: Estate Agents Act 1979, Section 22 is up to date with all changes known to be in force on or before 11 June 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*



# Estate Agents Act 1979

## 1979 CHAPTER 38

*Supervision, enforcement, publicity, etc.*

PROSPECTIVE

### 22 Standards of competence.

- (1) The Secretary of State may by regulations made by statutory instrument make provision for ensuring that persons engaged in estate agency work satisfy minimum standards of competence.
- (2) If the Secretary of State exercises his power to make regulations under subsection (1) above, he shall in the regulations prescribe a degree of practical experience which is to be taken as evidence of competence and, without prejudice to the generality of subsection (1) above, the regulations may, in addition,—
  - (a) prescribe professional or academic qualifications which shall also be taken to be evidence of competence;
  - (b) designate any body of persons as a body which may itself specify professional qualifications the holding of which is to be taken as evidence of competence;
  - (c) make provision for and in connection with the establishment of a body having power to examine and inquire into the competence of persons engaged or professing to engage in estate agency work; and
  - (d) delegate to a body established as mentioned in paragraph (c) above powers of the Secretary of State with respect to the matters referred to in paragraph (a) above;

and any reference in the following provisions of this section to a person who has attained the required standard of competence is a reference to a person who has that degree of practical experience which, in accordance with the regulations, is to be taken as evidence of competence or, where the regulations so provide, holds such qualifications or otherwise fulfils such conditions as, in accordance with the regulations, are to be taken to be evidence of competence.

- (3) After the day appointed for the coming into force of this subsection,—

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- (a) no individual may engage in estate agency work on his own account unless he has attained the required standard of competence;
- (b) no member of a partnership may engage in estate agency work on the partnership's behalf unless such number of the partners as may be prescribed have attained the required standard of competence; and
- (c) no body corporate or unincorporated association may engage in estate agency work unless such numbers and descriptions of the officers, members or employees as may be prescribed have attained the required standard of competence;

and any person who contravenes this subsection shall be liable on conviction, on indictment or on summary conviction to a fine which, on summary conviction, shall not exceed the statutory maximum.

- (4) In subsection (3) above "prescribed" means prescribed by the Secretary of State by order made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) No regulations shall be made under this section unless a draft of them has been laid before Parliament and approved by a resolution of each House.

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**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\(1\)](#)