



# Estate Agents Act 1979

## 1979 CHAPTER 38

*Supervision, enforcement, publicity, etc.*

### **23 Bankrupts not to engage in estate agency work.**

- (1) An individual who is [<sup>F1</sup>made] bankrupt after the day appointed for the coming into force of this section or, in Scotland, whose estate is sequestrated after that day shall not engage in estate agency work of any description except as an employee of another person.
- [<sup>F2</sup>(1A) An individual in respect of whom a debt relief order (under Part 7A of the Insolvency Act 1986) is made shall not engage in estate agency work of any description except as an employee of another person]
- (2) The prohibition imposed on an individual by subsection (1) above shall cease to have effect if and when—
  - (a) the [<sup>F3</sup>bankruptcy order made] against him is annulled, or, in Scotland, the sequestration of his estate is recalled [<sup>F4</sup>or reduced]; or
  - [<sup>F5</sup>(b) he is discharged from bankruptcy.]
- [<sup>F6</sup>(2A) The prohibition imposed on an individual by subsection (1A) shall cease to have effect if and when—
  - (a) the debt relief order is revoked for reasons falling within section 251(L)(2)(a) or (c) of the Insolvency Act 1986;
  - (b) the individual is discharged from all the qualifying debts specified under the debt relief order at the end of the moratorium period applicable to the order; or
  - (c) the debt relief order is revoked and a period of one year has elapsed beginning with the effective date for the order.]
- (3) [<sup>F7</sup>The references in this section] to employment of an individual by another person does not include employment of him by a body corporate of which he is a director or controller.

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*Changes to legislation: Estate Agents Act 1979, Section 23 is up to date with all changes known to be in force on or before 27 May 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*

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- (4) If a person engages in estate agency work in contravention [<sup>F8</sup>of this section] he shall be liable on conviction on indictment or on summary conviction to a fine which on summary conviction shall not exceed the statutory maximum.

#### Textual Amendments

- F1** Word in s. 23(1) substituted (6.4.2016) by [The Enterprise and Regulatory Reform Act 2013 \(Consequential Amendments\) \(Bankruptcy\) and the Small Business, Enterprise and Employment Act 2015 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/481\), reg. 1, Sch. 1 para. 5\(2\)](#)
- F2** S. 23(1A) inserted (1.10.2012) by [The Tribunals, Courts and Enforcement Act 2007 \(Consequential Amendments\) Order 2012 \(S.I. 2012/2404\), art. 1, Sch. 2 para. 10\(2\) \(with art. 5\)](#)
- F3** Words in s. 23(2)(a) substituted (6.4.2016) by [The Enterprise and Regulatory Reform Act 2013 \(Consequential Amendments\) \(Bankruptcy\) and the Small Business, Enterprise and Employment Act 2015 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/481\), reg. 1, Sch. 1 para. 5\(3\)](#)
- F4** Words inserted (S.) by [Bankruptcy \(Scotland\) Act 1985 \(c. 66, SIF 66\), s. 75\(1\), Sch. 7 para. 17](#)
- F5** S. 23(b) substituted by [Insolvency Act 1985 \(c. 65, SIF 66\), s. 235\(1\), Sch. 8 para. 33](#)
- F6** S. 23(2A) inserted (1.10.2012) by [The Tribunals, Courts and Enforcement Act 2007 \(Consequential Amendments\) Order 2012 \(S.I. 2012/2404\), art. 1, Sch. 2 para. 10\(3\) \(with art. 5\)](#)
- F7** Words in s. 23(3) substituted (1.10.2012) by [The Tribunals, Courts and Enforcement Act 2007 \(Consequential Amendments\) Order 2012 \(S.I. 2012/2404\), art. 1, Sch. 2 para. 10\(4\) \(with art. 5\)](#)
- F8** Words in s. 23(4) substituted (1.10.2012) by [The Tribunals, Courts and Enforcement Act 2007 \(Consequential Amendments\) Order 2012 \(S.I. 2012/2404\), art. 1, Sch. 2 para. 10\(5\) \(with art. 5\)](#)

**Changes to legislation:**

Estate Agents Act 1979, Section 23 is up to date with all changes known to be in force on or before 27 May 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.

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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\(1\)](#)