



# Estate Agents Act 1979

## 1979 CHAPTER 38

*Orders by <sup>F1</sup>the lead enforcement authority]*

### 3 Orders prohibiting unfit persons from doing estate agency work.

(1) The power of [<sup>F1</sup>the [<sup>F2</sup>lead enforcement authority]] to make an order under this section with respect to any person shall not be exercisable unless the [<sup>F3</sup>lead enforcement authority] is satisfied that that person—

(a) [<sup>F4</sup> has committed ] —

- (i) an offence involving fraud or other dishonesty or violence, or
- (ii) an offence under any provision of this Act, other than section 10(6), section 22(3) or section 23(4), or
- (iii) any other offence which, at the time it was committed, was specified for the purposes of this section by an order made by the Secretary of State; or

(b) has committed discrimination in the course of estate agency work; or

[<sup>F5</sup>(ba) has failed to comply with an undertaking accepted from him under section 217, 218 or 219 of the Enterprise Act 2002 and given in relation to estate agency work; or

(bb) has failed to comply with an enforcement order under section 217 of the Enterprise Act 2002 which was made against him in relation to estate agency work; or]

(c) has failed to comply with any obligation imposed on him under any of sections 15 and 18 to 21 below; or

[<sup>F6</sup>(ca) has engaged in estate agency work in relation to residential property in breach of the duty imposed by an order under section 23A(1) below; or]

[<sup>F7</sup>(cb) has failed to comply with any requirement imposed on him under [<sup>F8</sup> paragraph 14 or 27 of Schedule 5 to the Consumer Rights Act 2015 ] ; or]

(d) has engaged in a practice which, in relation to estate agency work, has been declared undesirable by an order made by the Secretary of State;

and the provisions of Schedule 1 to the Act shall have effect for supplementing paragraphs (a) and (b) above.

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*Changes to legislation: Estate Agents Act 1979, Section 3 is up to date with all changes known to be in force on or before 25 April 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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- (2) Subject to subsection (1) above, if the [F<sup>9</sup>lead enforcement authority] is satisfied that any person is unfit to carry on estate agency work generally or of a particular description [F<sup>10</sup>it] may make an order prohibiting that person—
- (a) from doing any estate agency work at all; or
  - (b) from doing estate agency work of a description specified in the order;
- and in determining whether a person is so unfit the [F<sup>9</sup>lead enforcement authority] may, in addition to taking account of any matters falling within subsection (1) above, also take account of whether, in the course of estate agency work or any other business activity, that person has engaged in any practice which involves breaches of a duty owed by virtue of any enactment, contract or rule of law and which is material to his fitness to carry on estate agency work.
- (3) For the purposes of [F<sup>11</sup> paragraphs (ba) to (d) ] of subsection (1) above,—
- (a) anything done by a person in the course of his employment shall be treated as done by his employer as well as by him, whether or not it was done with the employer's knowledge or approval, unless the employer shows that he took such steps as were reasonably practicable to prevent the employee from doing that act, or from doing in the course of his employment acts of that description; and
  - (b) anything done by a person as agent for another person with the authority (whether express or implied, and whether precedent or subsequent) of that person shall be treated as done by that other person as well as by him; and
  - (c) anything done by a business associate of a person shall be treated as done by that person as well, unless he can show that the act was done without his connivance or consent.
- (4) In an order under this section the [F<sup>12</sup>lead enforcement authority] shall specify as the grounds for the order those matters falling within paragraphs (a) to (d) of subsection (1) above as to which [F<sup>13</sup>it] is satisfied and on which, accordingly, [F<sup>13</sup>it] relies to give [F<sup>13</sup>it] power to make the order.
- (5) If the [F<sup>14</sup>lead enforcement authority] considers it appropriate, [F<sup>13</sup>it] may in an order under this section limit the scope of the prohibition imposed by the order to a particular part of or area within the United Kingdom.
- (6) An order under paragraph (a)(iii) or paragraph (d) of subsection (1) above—
- (a) shall be made by statutory instrument;
  - (b) shall be laid before Parliament after being made; and
  - (c) shall cease to have effect (without prejudice to anything previously done in reliance on the order) after the expiry of the period of twenty-eight days beginning with the date on which it was made unless within that period it has been approved by a resolution of each House of Parliament.
- (7) In reckoning for the purposes of subsection (6)(c) above any period of twenty-eight days, no account shall be taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.
- (8) A person who fails without reasonable excuse to comply with an order of the [F<sup>15</sup>lead enforcement authority] under this section shall be liable on conviction on indictment or on summary conviction to a fine which on summary conviction shall not exceed the statutory maximum.

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### Subordinate Legislation Made

- P1** S. 3(1)(a)(iii) power exercised by S.I. 1991/860.  
S. 3(1)(a)(iii) power exercised by S.I.1991/1091.
- P2** S. 3(1)(d) power exercised by S.I. 1991/861.  
S. 3(1)(d) power exercised by S.I. 1991/1032.

### Textual Amendments

- F1** Words in s. 3(1) substituted (1.4.2003) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 25 para. 9(2)(a)**; S.I. 2003/766, art. 2, Sch. (with art. 3) (as amended (20.7.2007) by S.I. 2007/1846, reg. 3(2), Sch.)
- F2** Words in s. 3(1) substituted (31.3.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(5), **Sch. 2 para. 1(3)(a)(i)** (with Sch. 1 para. 28, 2 paras. 13-15)
- F3** Words in s. 3(1) substituted (31.3.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(5), **Sch. 2 para. 1(3)(a)(ii)** (with Sch. 1 para. 28, 2 paras. 13-15)
- F4** Words in s. 3(1)(a) substituted (1.10.2008) by Consumers, Estate Agents and Redress Act 2007 (c. 17), **ss. 55(2), 66(2)** (with s. 48(3)); S.I. 2008/905, art. 3(2), Sch. 2
- F5** S. 3(1)(ba)(bb) inserted (1.10.2008) by Consumers, Estate Agents and Redress Act 2007 (c. 17), **ss. 55(3), 66(2)** (with s. 48(3)); S.I. 2008/905, art. 3(2), Sch. 2
- F6** S. 3(1)(ca) inserted (1.10.2008) by Consumers, Estate Agents and Redress Act 2007 (c. 17), **ss. 53(2), 66(2)** (with s. 48(3)); S.I. 2008/905, art. 3(2), Sch. 2
- F7** S. 3(1)(cb) inserted (1.10.2008) by Consumers, Estate Agents and Redress Act 2007 (c. 17), **ss. 58(2), 66(2)** (with s. 48(3)); S.I. 2008/905, art. 3(2), Sch. 2
- F8** Words in s. 3(1)(cb) substituted (1.10.2015) by Consumer Rights Act 2015 (c. 15), s. 100(5), **Sch. 6 para. 20**; S.I. 2015/1630, art. 3(i)
- F9** Words in s. 3(2) substituted (31.3.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(5), **Sch. 2 para. 1(3)(b)** (with Sch. 1 para. 28, 2 paras. 13-15)
- F10** Word in s. 3(2) substituted (1.4.2003) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 25 para. 9(2)(c)**; S.I. 2003/766, art. 2, Sch. (with art. 3) (as amended (20.7.2007) by S.I. 2007/1846, reg. 3(2), Sch.)
- F11** Words in s. 3(3) substituted (1.10.2008) by Consumers, Estate Agents and Redress Act 2007 (c. 17), s. 66(2), **Sch. 7 para. 1**; S.I. 2008/905, art. 3(2), Sch. 2
- F12** Words in s. 3(4) substituted (31.3.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(5), **Sch. 2 para. 1(3)(b)** (with Sch. 1 para. 28, 2 paras. 13-15)
- F13** Word in s. 3(4)(5) substituted (1.4.2003) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 25 para. 9(2)(d)**; S.I. 2003/766, art. 2, Sch. (with art. 3) (as amended (20.7.2007) by S.I. 2007/1846, reg. 3(2), Sch.)
- F14** Words in s. 3(5) substituted (31.3.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(5), **Sch. 2 para. 1(3)(b)** (with Sch. 1 para. 28, 2 paras. 13-15)
- F15** Words in s. 3(8) substituted (31.3.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(5), **Sch. 2 para. 1(3)(b)** (with Sch. 1 para. 28, 2 paras. 13-15)

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 3(1)(c) word substituted by [2007 c. 17 s. 54\(2\)](#)

**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\(1\)](#)