



**Isle of Man**

*Ellan Vannin*

**AT 6 of 1975**

**ESTATE AGENTS ACT 1975**





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## ESTATE AGENTS ACT 1975

### Index

Section	Page
<hr/>	
	<b><i>Registration of Estate Agents</i></b>
1	The registrar of estate agents .....5
2	The estate agents register.....5
3	Persons qualified for registration .....6
4	Determination of questions as to qualification.....6
5	Certificates of registration .....6
	<b><i>The Estate Agents Tribunal</i></b>
6	The Estate Agents Tribunal .....7
	<b><i>Removal from Estate Agents Register of Names of Unqualified Persons</i></b>
7	Removal of certain names from the register .....7
	<b><i>Discipline</i></b>
8	Grounds for disciplinary proceedings.....8
9	Hearing and determination of disciplinary cases .....9
	<b><i>Compensation for Dishonesty</i></b>
10	Compensation for dishonesty .....9
	<b><i>Restrictions on Carrying on Business as an Estate Agent</i></b>
11	Persons prohibited from carrying on business as estate agents.....10
12	Exceptions to s 11.....11
13	Restriction on use of title “registered estate agent”, etc.....11
	<b><i>General and Supplementary</i></b>
14	Service of documents .....12
15	Persons treated as practising, or carrying on business, as estate agents .....12
16	Offences by bodies corporate .....13
17	Rules .....13
18	Interpretation.....14
19	Short title and commencement .....15
<hr/>	
	<b>SCHEDULE 1</b>
	<b>17</b>
<hr/>	
	<b>HEARING AND DETERMINATION OF DISCIPLINARY CASES</b>
	<b>17</b>

<b>SCHEDULE 2</b>	<b>18</b>
MATTERS IN RESPECT OF WHICH RULES MAY BE MADE, ETC.	18
<b>ENDNOTES</b>	<b>21</b>
TABLE OF ENDNOTE REFERENCES	21

**Isle of Man***Ellan Vannin*

## ESTATE AGENTS ACT 1975

*Received Royal Assent:* 18 March 1975  
*Passed:* 15 April 1975  
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**AN ACT** to make provision with respect to persons who negotiate for, or otherwise act in relation to, the acquisition or disposal by others of estates, interests or rights in or over land; and for purposes connected therewith.

**GENERAL NOTE:** The maximum fines in this Act are as increased by the *Fines Act 1986* and by the *Criminal Justice (Penalties, Etc.) Act 1993 s 1*.

### *Registration of Estate Agents*

#### **1 The registrar of estate agents**

There shall be appointed a registrar of estate agents.<sup>1</sup>

#### **2 The estate agents register**

- (1) The registrar shall establish and maintain a register, to be called “the estate agents register”, which shall be kept in the prescribed manner by the registrar, and shall be available at all reasonable times for inspection by members of the public on payment of the prescribed fee.
- (2) The registrar shall cause to be entered in the register the name and prescribed particulars of every person who, being qualified for registration, has applied in the prescribed manner for registration and paid the prescribed fee.
- (3) Any person who wilfully procures or attempts to procure the entry of his name in the register by making or producing, or causing to be made or produced, any false or fraudulent representation or declaration, either orally or in writing, shall be guilty of an offence and shall be liable —
  - (a) on summary conviction, to a fine not exceeding £5,000, or
  - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both.

### 3 Persons qualified for registration

A person shall, save as otherwise provided by or under this Act, be qualified for registration in the estate agents register if he is an individual who is of good character and satisfies such conditions as are prescribed for the purpose of ensuring that persons required to conform to them have at least the minimum standard of competence requisite for proper practice as an estate agent.

### 4 Determination of questions as to qualification

- (1) Where an application is made for registration in the estate agents register but the registrar is not satisfied that the applicant is of good character and qualified for registration, the registrar shall refer the application to the Board, and —
  - (a) if the Board is satisfied that the applicant is of good character and qualified for registration, it shall direct the registrar to register him;<sup>2</sup>
  - (b) if the Board is not so satisfied, it shall direct the registrar to give notice to the applicant that his application is refused.<sup>3</sup>
- (2) A person whose application for registration in the estate agents register is refused by the Board may appeal against the refusal, in accordance with rules of court, to the Staff of Government Division.<sup>4</sup>
- (3) The Board may appear as respondent on any such appeal, and, for the purpose of enabling directions to be given as to the costs of any such appeal, the Board shall be deemed to be a party thereto, whether or not it appears on the hearing of the appeal.<sup>5</sup>
- (4) On the hearing of any such appeal, the Staff of Government Division may make such order as it considers just, and its order shall be final.

### 5 Certificates of registration

- (1) Where the name of a person is entered on the estate agents register, the registrar shall issue to him a certificate of registration in the prescribed form, and that certificate shall remain the property of the Board.<sup>6</sup>
- (2) Where the name of a person is removed from the estate agents register, the registrar shall give notice to that person, or, if he is dead, to his personal representatives, requiring the certificate to be surrendered to the registrar.
- (3) Any person who, without reasonable excuse, fails to comply with a requirement under subsection (2) above shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,000.

*The Estate Agents Tribunal***6 The Estate Agents Tribunal**

- (1) There shall be constituted a tribunal, to be called “the Estate Agents Tribunal”, which shall consist of –
  - (a) a chairman, who shall be an advocate, or a barrister or solicitor, of not less than ten years’ standing appointed by the Board;<sup>7</sup>
  - (b) two members appointed by the Board; and<sup>8</sup>
  - (c) two persons appointed by a body which is recognised by the Board as being representative of the majority of estate agents in the Island (in this Act referred to as “the recognised representative body”) or, if the Board is satisfied that no such body exists, by the Board.<sup>9</sup>
- (2) The Estate Agents Tribunal shall perform such functions as are conferred on it by this Act.
- (3) The Estate Agents Tribunal may administer oaths and any party to the proceedings may summon any witness to appear before the Tribunal to give evidence or to produce documents, or both, but no person shall be compelled under this subsection to produce any document which he would not be compelled to produce on the trial of an action.

*Removal from Estate Agents Register of Names of Unqualified Persons***7 Removal of certain names from the register**

- (1) Where, in the case of any person whose name is in the register, it is alleged that he was not qualified for registration at the time his name was entered in the register, the Board shall consider the allegation and, if it appears to the Board that the evidence is likely to support the allegation, it shall refer the case to the Estate Agents Tribunal.<sup>10</sup>
- (2) The Estate Agents Tribunal shall hear and determine any case referred to it under subsection (1) above and, if it finds the allegation proved, shall, subject to subsection (3) below, order the name to be removed from the estate agents register and, whether or not it finds the allegation proved, may order the payment by any party to the proceedings of costs or of such sum as the Tribunal considers to be a reasonable contribution towards the costs.
- (3) Where the application was referred to the Board under section 4(1) of this Act, the Estate Agents Tribunal shall not order the removal of the name from the register except upon evidence which was not before the Board when it considered the application and was not before the Staff of Government Division hearing an appeal from the decision of the Board on the application.<sup>11</sup>

- (4) Paragraphs 2 to 6 of Schedule 1 to this Act shall apply in relation to orders under subsection (2) above as they apply in relation to orders under paragraph 1 of that Schedule.

### *Discipline*

## **8 Grounds for disciplinary proceedings**

- (1) Where, in the case of any person whose name is in the estate agents register, it is alleged that, since his name was first entered in the register or since the expiration of the period mentioned in section 12(3) of this Act, whichever is the later, he has —
- (a) been guilty of conduct which is contrary to the public interest and amounts to disgraceful conduct in his practice as an estate agent; or
  - (b) without reasonable excuse, contravened or failed to comply with rules under paragraph 4, 5, 6 or 7 of Schedule 2 to this Act; or
  - (c) been convicted (whether in the Island or elsewhere) of an offence involving fraud or dishonesty; or
  - (d) been convicted of an offence under this Act,
- the case shall be considered by the Board.<sup>12</sup>
- (2) Where, in the case of any body corporate carrying on business as an estate agent, it is alleged that —
- (a) the name of a director of the body corporate has been removed from the register on a ground specified in subsection (1) above; or
  - (b) the name of an officer or servant of the body corporate has been removed from the register on a ground specified in subsection (1) above, and that the conduct in question was instigated or connived at by a director of the body corporate; or
  - (c) the body corporate has, without reasonable excuse, contravened or failed to comply with rules under paragraph 4, 5, 6 or 7 of Schedule 2 to this Act; or
  - (d) the body corporate has been convicted of an offence under this Act,
- the case shall be considered by the Board.<sup>13</sup>
- (3) If, on consideration of any case referred to it under this section, it appears to the Board that the evidence is likely to be sufficient to support the allegation made, the Board shall refer the case to the Estate Agents Tribunal.<sup>14</sup>
- (4) In determining any question of whether any conduct is disgraceful, account shall be taken —
- (a) of the fact that an estate agent must not put himself in a position in any transaction where his personal interests appear to conflict with those of his client; and

- (b) of the fact that estate agency has both professional and commercial attributes, and of the desirability of not preventing estate agents from making use of new techniques and providing an efficient service to the public.

## 9 Hearing and determination of disciplinary cases

Schedule 1 to this Act shall apply to the hearing and determination by the Estate Agents Tribunal of cases referred to it under section 8 of this Act.

### *Compensation for Dishonesty*

## 10 Compensation for dishonesty

- (1) The provisions of this section shall have effect with a view to enabling the Board, after consultation with the Treasury, to make, where it thinks fit, grants out of any sums, received by the Board pursuant to this section, for the purpose of relieving or mitigating loss caused by the fraud or other dishonesty of any person engaged in carrying on business as an estate agent in relation to money or other property received by him or any other person in the course of the business; and any bond or security issued or given in favour of the Board for the purposes of this section shall be enforceable at the suit of the Board notwithstanding any rule of law as to insurable interests.<sup>15</sup>
- (2) No person shall carry on business as an estate agent unless there is in force, in relation to the business, a guarantee bond or other security issued or given in favour of the Board by a person approved by the Treasury whereby provision is made to the satisfaction of the Attorney General for the payment to the Board, up to the required limit, of the amount of any loss caused by such fraud or dishonesty as is mentioned in subsection (1) above.<sup>16</sup>
- (3) Any person who fails to comply with subsection (2) above shall be guilty of an offence and shall be liable —
- (a) on summary conviction, to a fine not exceeding £5,000; or
  - (b) on conviction on information, to a fine.
- (4) In subsection (2) above, “the required limit” shall, subject to subsection (5) below, be —
- (a) where the business is carried on by a single individual, £50,000<sup>17</sup>
  - (b) where the business is carried on by two or more individuals, £50,000 multiplied by the number of those individuals who are authorised practitioners;<sup>18</sup>
  - (c) where the business is carried on by a body corporate —

- (i) £50,000 multiplied by the number of the directors who are authorised practitioners; or<sup>19</sup>
  - (ii) £100,000,<sup>20</sup>
- whichever is the greater.
- (5) Where one or more offices at which the business is carried on is or are under the supervision of a manager who is not a person carrying on the business or, as the case may be, a director of the body corporate, the required limit shall be increased by £50,000 for every such manager.<sup>21</sup>
- (6) In subsection (1) above, the reference to any person engaged in carrying on a business is a reference to any person who is so engaged, whether as principal or employee; and, for the purposes of this subsection, “employee” includes a director of a body corporate.

*Restrictions on Carrying on Business as an Estate Agent*

## **11 Persons prohibited from carrying on business as estate agents**

- (1) Subject to section 12 of this Act, an individual shall not carry on business as an estate agent unless he is an authorised practitioner, that is to say, an individual —
- (a) whose name is in the estate agents register and who is not subject to an order under paragraph 1(a)(ii) of Schedule 1 to this Act; or
  - (b) who, having had his name removed from the register, has not yet been given notice by the registrar of its removal; or
  - (c) who, having applied for registration in the estate agents register before the expiration of the period of one year beginning with the appointed day, has not had his application finally determined.
- (2) Subject to section 12 of this Act, a body corporate shall not carry on business as an estate agent —
- (a) in a case where the carrying on of that business is the main activity of the body corporate, unless all the directors are authorised practitioners;
  - (b) in a case where the carrying on of that business is not the main activity of the body corporate, unless —
    - (i) each director responsible for the carrying on of that business is an authorised practitioner; and
    - (ii) that business is managed by a person (whether a director or not) who is an authorised practitioner;

and a body corporate shall not, in any case, carry on such a business while it is subject to an order under paragraph 1(b)(i) of Schedule 1 to this Act.

- (3) Subject to section 12 of this Act, a person shall not carry on business as an estate agent unless, in every office where the business is carried on, it is carried on under the supervision of an authorised practitioner.
- (4) Any person who contravenes this section shall be guilty of an offence and shall be liable —
  - (a) on summary conviction, to a fine not exceeding £5,000.
  - (b) on conviction on information, to a fine.

## 12 Exceptions to s 11

- (1) Subject as may be prescribed, where an authorised practitioner dies or becomes bankrupt at a time when he is carrying on business as an estate agent, nothing in section 11 of this Act shall render unlawful anything done during the period of one year beginning with the death or bankruptcy, or such longer period as the Board may, in any particular case, allow —
  - (a) in the case of a deceased practitioner, by his personal representatives, his surviving spouse, his surviving civil partner or any of his children;<sup>22</sup>
  - (b) in the case of a bankrupt, by his trustee in bankruptcy.<sup>23</sup>
- (2) Where —
  - (a) an authorised practitioner is the sole director of a body corporate; or
  - (b) only one director of a body corporate is an authorised practitioner, subsection (1) above shall, on his death, apply in relation to him and to the body corporate as if he were carrying on the business of the body corporate on his own account, but shall so apply only for such period and subject to such conditions as may be prescribed.
- (3) Nothing in section 11 of this Act shall render unlawful anything done within two years beginning with the coming into operation of this Act or one year from the coming into force of rules made by virtue of section 3(1) of, and paragraph 1 of Schedule 2 to, this Act, whichever period shall last expire.

## 13 Restriction on use of title “registered estate agent”, etc

- (1) An individual shall not practise or carry on business under any name, style or title containing the expression “registered estate agent” or any similar expression embodying the word “registered” unless he is an authorised practitioner.
- (2) A body corporate shall not practise or carry on business under any name, style or title containing any such expression unless the conditions

mentioned in paragraph (a) or, as the case may be, paragraph (b) of section 11(2) of this Act are satisfied in the case of the body corporate.

- (3) A person shall not practise or carry on business under any name, style or title containing any such expression at any time before the expiration of the period mentioned in section 12(3) above.
- (4) A person who contravenes this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £5,000, and to a further fine not exceeding £100 for every day on which the offence continues after conviction therefor.

### *General and Supplementary*

## **14 Service of documents**

Any notice or other document authorised or required to be given under this Act may, without prejudice to any other method of service but subject to any provision to the contrary in rules under this Act, be served by post, and the proper address of a person to whose registration such a notice or other document relates shall be his address as stated in the estate agents register.

## **15 Persons treated as practising, or carrying on business, as estate agents**

- (1) For the purposes of this Act, practice as an estate agent shall be taken to be, and only to be, the doing, in connection with the sale or proposed sale of land of any of the following acts, namely —
  - (a) bringing together, or taking steps to bring together, the vendor and a prospective purchaser;
  - (b) negotiating as to the terms of the sale with the vendor or a prospective purchaser;
  - (c) acting as an auctioneer;but the doing of any act shall not cause a person to be treated for the purposes of this Act as having acted as an estate agent if it was done by —
  - (i) the Board or a local authority in connection with the exercise of its functions as such; or<sup>24</sup>
  - (ii) the proprietor of a shop or newspaper by way of the display of an advertisement therein; or
  - (iii) an advocate in the course of his practice as an advocate; or
  - (iv) a member of a recognised body of accountants in connection with his practice as an accountant; or
  - (v) a duly qualified architect in connection with his practice as an architect; or

- (vi) a coroner or lockman in the exercise of his functions as such; or
  - (vii) any person in pursuance of an order of the High Court; or
  - (viii) a trustee in bankruptcy or a trustee under a deed of arrangement, or a receiver or liquidator of a company, in the exercise of his functions as such, but subject, in relation to a trustee in bankruptcy, to the provisions of section 12(l) of this Act.
- (2) For the purposes of this Act, a person shall be treated as carrying on business as an estate agent if, but only if, he or a partnership of which he is a member —
- (a) receives payment for acts done by way of practice as an estate agent by him or by a partner of his, or by an employee of his or of all or any of his partners; or
  - (b) holds himself or itself out as prepared, in return for payment, to undertake the doing by any such person of acts by way of practice as an estate agent.
- (3) In this section —
- “employee”, in the case of a body corporate, includes a director;
- “land” means land in the Island, but does not include —
- (a) mines, quarries or minerals; or
  - (b) growing timber, timber-like trees or saleable underwood;
- “payment” does not include payment limited to the re-imbusement of expenses or made to an employee by his employer;
- “sale of land” includes the grant of a tenancy at a rent and any other disposal for valuable consideration of an estate, interest or right in or over land, whether subsisting before or created by the disposal, and “vendor” and “purchaser” shall be construed accordingly.

## 16 Offences by bodies corporate

Where an offence by a body corporate was committed with the consent or connivance of, or was attributable to any neglect on the part of, any director, manager, secretary or similar officer of the body corporate, or any person purporting to act as any such officer, that director, manager, secretary, other officer or person shall be guilty of the like offence as the body corporate and shall be punishable accordingly.

## 17 Rules

- (1) The Board, after consultation with the recognised representative body or, if the Board is satisfied that no such body exists, with the Estate Agents

Tribunal, may, subject to Schedule 2 to this Act, make rules for all or any of the matters specified in that Schedule.<sup>25</sup>

- (2) Rules under this Act shall not have effect until they have been approved by Tynwald.

## 18 Interpretation

- (1) In this Act, unless the context otherwise requires —

“**appointed day**”, in relation to any provision, means the day appointed under section 19(3) of this Act for the taking effect of that provision;

“**authorised practitioner**” has the meaning assigned to it by section 11 (1) of this Act;

“**Board**” means the Isle of Man Office of Fair Trading;<sup>26</sup>

“**the Department**” [Repealed]<sup>27</sup>

“**duly qualified architect**” means an architect registered under the Architects (Registration) Acts 1931 to 1969 (being Acts of Parliament) or a member of the Royal Institute of British Architects;

“**the estate agents register**” means the register established and maintained under section 2(1) of this Act;

“**the Estate Agents Tribunal**” means the tribunal constituted under section 6(1) of this Act;

“**functions**” includes powers and duties;

“**notice**” means a notice in writing;

“**prescribed**” means prescribed by rules under this Act;

“**recognised body of accountants**” means any of the following bodies namely —

- (a) The Institute of Chartered Accountants in England and Wales;
- (b) The Institute of Chartered Accountants of Scotland;
- (c) The Institute of Chartered Accountants in Ireland;
- (d) The Association of Certified Accountants;

“**the recognised representative body**” has the meaning assigned to it by section 6(1)(c) of this Act;

“**the registrar**” means the registrar of estate agents;<sup>28</sup>

- (2) For the purposes of this Act, “**director**” means —

- (a) in relation to a body corporate the affairs of which are managed by a board of directors or similar body, a member of that board or similar body;
- (b) in relation to a body corporate the affairs of which are managed by a single director or similar person, that director or person;

(c) in relation to a body corporate the affairs of which are managed by the members themselves, a member of the body corporate,

and includes any person in accordance with whose directions or instructions the directors of a body corporate, defined in accordance with the preceding provisions of this subsection, are accustomed to act; but a person shall not, within the meaning of this subsection, be deemed to be a person in accordance with whose directions or instructions the directors of a body corporate are accustomed to act by reason only that those directors act on advice given by him in any professional capacity.

## 19 Short title and commencement

- (1) This Act may be cited as the Estate Agents Act 1975.
- (2) This Act shall, subject to subsection (3) below, come into operation when the Royal Assent thereto has been by the Governor announced to Tynwald and a certificate thereof has been signed by the Governor and the Speaker of the House of Keys.
- (3) This section shall take effect on the coming into operation of this Act and the remaining provisions of this Act shall take effect on such day or days as the Governor may by order appoint, and different days may be appointed for different provisions.<sup>29</sup>



## SCHEDULE 1

### HEARING AND DETERMINATION OF DISCIPLINARY CASES

Sections 7(4), 9, 11(1)(a) and (2) and Schedule 2, para 2(2)(b)

1. The Estate Agents Tribunal shall hear and determine any case referred to it under section 8 of this Act and, if it finds the allegation proved, may —

- (a) in the case of a person whose name is in the estate agents register —
  - (i) order his name to be removed from the register; or
  - (ii) order his registration as an estate agent to be suspended during such period as may be specified in the order; or
  - (iii) order him to pay a penalty not exceeding £500, which shall be recoverable as a civil debt at the suit of the Attorney General; or
  - (iv) make an order under head (ii) above together with an order under head (iii) above;

but shall not, in any case, make an order under head (iii) above if the allegation relates only to a conviction such as is mentioned in section 8(1)(c) or (d) of this Act;

- (b) in the case of a body corporate —
  - (i) order it not to carry on business as an estate agent during such period as may be specified in the order; or
  - (ii) order it to pay a penalty not exceeding £500, which shall be recoverable as a civil debt at the suit of the Attorney General; or
  - (iii) make an order under head (i) above together with an order under head (ii) above,

and, whether or not it finds the allegation proved, may, in any case, order the payment by any party to the proceedings of costs or of such sum as the Tribunal considers to be a reasonable contribution towards the cost.

2. Notice of any order under paragraph 1 above shall, within 14 days after the making of the order, be given to every person who is a party to the proceedings.

3. A person in respect of whom an order is made under this Schedule may, within 28 days after notice of the order was given to him or such longer time as the Staff of Government Division may allow, appeal against the order, in accordance with rules of court, to the Staff of Government Division.

4. The Board may appear as respondent on any such appeal, and, for the purpose of enabling directions to be given as to the costs of any such appeal, the Board shall be deemed to be a party thereto, whether it appears on the hearing of the appeal or not.<sup>30</sup>
5. On the hearing of the appeal, the Staff of Government Division may make such order as it considers just, and its order shall be final.
6. An order under paragraph 1 above shall not take effect before the expiration of the time limited for appealing against it, and, where an appeal is lodged, the order shall not take effect before the appeal is determined or discontinued.
7. A person whose name is removed from the register in pursuance of an order under paragraph 1 above shall not be qualified for registration in the register again except in pursuance of a direction in that behalf given by the Estate Agents Tribunal on an application made in the prescribed manner by that person, and the Tribunal may, by the order under paragraph 1 or by an order dismissing an application by that person under this paragraph, prohibit the making by him of an application, or further application, under this paragraph before a date specified in the order.

## SCHEDULE 2

### MATTERS IN RESPECT OF WHICH RULES MAY BE MADE, ETC.

Sections 8(1)(b) and (2)(c) and 12(3) and 17(1)

1. Prescribing anything which is required to be, or may be, prescribed under this Act.
2. (1) The form of the estate agents register, the making of entries and alterations therein and other matters relating thereto, and (in particular and without prejudice to the generality of the foregoing) providing for —
  - (a) the notification to the registrar of any change in the particulars required to be entered in the register;
  - (b) the charging of an annual fee for the retention of any name in the register, and the inclusion in the fee payable by a person for the entry of his name in the register of an appropriate proportion of the annual fee for the year in which the entry is made;
  - (c) the removal from the register of the name of a person who, after the prescribed notices and warnings, fails —
    - (i) to supply information required by the registrar with a view to ensuring that the particulars entered against his name are correct or that he is not in contravention of any provision of this Act or of any rules made thereunder; or

- (ii) to pay the annual fee in respect of the retention of his name in the register;
  - (d) the restriction of the making, by a person whose name is removed from the register under the rules, of any subsequent application for registration.
- (2) Except as mentioned in sub-paragraph (1)(c) above, rules under this paragraph shall not make provision as to the removal from the register of the name of any person in cases other than those where —
  - (a) the person has died or has applied for, or consented to, the removal of his name; or
  - (b) the removal has been ordered under section 7 of, or Schedule 1 to, this Act.
- 3. (1) Subject to sub-paragraph (2) below, the acts or omissions which, if done or made by a practising estate agent, constitute conduct which, in the opinion of the Board, is contrary to the public interest and amounts to disgraceful conduct in a person's practice as an estate agent.<sup>31</sup>
  - (2) Rules under sub-paragraph (1) above shall serve as a guide to practising estate agents and persons concerned with the conduct of practising estate agents, but the mention or lack of mention in those rules of a particular act or omission shall not be taken as being conclusive.
- 4. The circumstances in which, and the conditions subject to which, authorised practitioners or bodies corporate carrying on business as estate agents may, either directly or indirectly, deal in or develop property, or take any equity in such dealing or development.
- 5. The regulation of the charges which may be made for services carried out by way of practice as an estate agent.
- 6. (1) Subject to sub-paragraph (2) below —
  - (a) the opening and keeping by persons carrying on business as estate agents of accounts at banks for money held on behalf of clients and other persons;
  - (b) the keeping by such persons of accounts containing particulars and information as to money received, held or paid by them for, or on account of, clients and other persons;
  - (c) enabling the Board to require such persons to deliver, at stated intervals, certificates given by such persons as may be prescribed and stating whether or not the rules have, in the opinion of the person giving the certificate, been complied with; and<sup>32</sup>
  - (d) as to other action which may be taken by the Board for the purpose of ascertaining whether or not the rules are being complied with.<sup>33</sup>

(2) Rules under this paragraph may make different provision for different descriptions of persons, and may exempt persons of a particular description from all or any of the requirements of the rules.

7. (1) Requiring a person carrying on business as an estate agent, in such cases as may be prescribed –

- (a) to keep on deposit in a separate account at a bank, for the benefit of the client, money received for or on account of a client; or
- (b) to make good to the client out of his own money a sum equivalent to the interest which would have accrued if the money so received had been so kept on deposit.

(2) The cases in which a person may be required to act in accordance with rules under this paragraph may be defined, among other things, by reference to the amount of any sum received or the period for which it is, or is likely to be, retained or both; and the rules may include provision for enabling a client (without prejudice to any other remedy) to require that any question arising under the rules, in relation to the clients money, be referred to and determined by the Board.<sup>34</sup>

(3) Except as provided by rules under this paragraph, a person shall not be liable by virtue of the relation between principal and agent to account to any client for interest accruing on money received in the course of his practice as an estate agent, being money deposited at a bank in an account used or held for, or on account of, his clients generally.

(4) Nothing in this paragraph or in rules under this paragraph shall affect any arrangement in writing, whenever made, between a person and his client as to the application of the client's money or interest thereon.

8. [Repealed]<sup>35</sup>

9. With the approval of the Treasury, amending the required limits specified in section 10(4) and (5) of this Act.<sup>36</sup>

10. Generally for carrying this Act into effect.

## ENDNOTES

### Table of Endnote References

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- <sup>1</sup> S 1 substituted by Civil Service Act 1990 Sch 3.
- <sup>2</sup> Para (a) amended by SD155/10 Sch 8.
- <sup>3</sup> Subs (1) amended by SD155/10 Sch 8. Para (b) amended by SD155/10 Sch 8.
- <sup>4</sup> Subs (2) amended by SD155/10 Sch 8.
- <sup>5</sup> Subs (3) amended by SD155/10 Sch 8.
- <sup>6</sup> Subs (1) amended by SD155/10 Sch 8.
- <sup>7</sup> Para (a) amended by Transfer of Governor's Functions Act 1992 Sch 1 and by SD155/10 Sch 8.
- <sup>8</sup> Para (b) amended by SD155/10 Sch 8.
- <sup>9</sup> Para (c) amended by Transfer of Governor's Functions Act 1992 Sch 1 and by SD155/10 Sch 8.
- <sup>10</sup> Subs (1) amended by SD155/10 Sch 8.
- <sup>11</sup> Subs (3) amended by SD155/10 Sch 8.
- <sup>12</sup> Subs (1) amended by SD155/10 Sch 8.
- <sup>13</sup> Subs (2) amended by SD155/10 Sch 8.
- <sup>14</sup> Subs (3) amended by SD155/10 Sch 8.
- <sup>15</sup> Subs (1) amended by Treasury Act 1985 Sch 2 and by SD155/10 Sch 8.
- <sup>16</sup> Subs (2) amended by Treasury Act 1985 Sch 2 and by SD155/10 Sch 8.
- <sup>17</sup> Para (a) amended by GC254/82.
- <sup>18</sup> Para (b) amended by GC254/82.
- <sup>19</sup> Subpara (i) amended by GC254/82.
- <sup>20</sup> Subpara (ii) amended by GC254/82.
- <sup>21</sup> Subs (5) amended by GC254/82.
- <sup>22</sup> Para (a) amended by Civil Partnership Act 2011 Sch 14.
- <sup>23</sup> Subs (1) amended by SD155/10 Sch 8.
- <sup>24</sup> Para (i) amended by SD155/10 Sch 8.
- <sup>25</sup> Subs (1) amended by GC192/86, by Transfer of Governor's Functions Act 1992 Sch 1 and by SD155/10 Sch 8.
- <sup>26</sup> Definition of "Board" inserted by SD155/10 Sch 8.
- <sup>27</sup> Definition of "the Department" repealed by SD155/10 Sch 8.
- <sup>28</sup> Definition of "the registrar" substituted by Civil Service Act 1990 Sch 3.
- <sup>29</sup> ADO (ss 1 and 6(1)) 10/11/1975 (GC135/75); (remaining provisions) 30/3/1978 (GC61/78).
- <sup>30</sup> Para 4 amended by SD155/10 Sch 8.
- <sup>31</sup> Subpara (1) amended by SD155/10 Sch 8.
- <sup>32</sup> Item (c) amended by SD155/10 Sch 8.
- <sup>33</sup> Item (d) amended by SD155/10 Sch 8.
- <sup>34</sup> Subpara (2) amended by SD155/10 Sch 8.

<sup>35</sup> Para 8 repealed by Payment of Members' Expenses Act 1989 Sch 2.

<sup>36</sup> Para 9 amended by Treasury Act 1985 Sch 2.

