

Status: Point in time view as at 01/10/2008.

Changes to legislation: Estate Agents Act 1979, SCHEDULE 1 is up to date with all changes known to be in force on or before 11 June 2024. 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)

SCHEDULES

SCHEDULE 1

Section 3(1).

PROVISIONS SUPPLEMENTARY TO SECTION 3(1)

Spent convictions

- [^{F1}1] A person is not to be treated for the purposes of section 3(1)(a) of this Act as having committed an offence if he has been convicted of that offence and that conviction is to be treated as spent for the purposes of the Rehabilitation of Offenders Act 1974 or any corresponding enactment for the time being in force in Northern Ireland.]

Textual Amendments

- F1** Sch. 1 para. 1 substituted (1.10.2008) by [Consumers, Estate Agents and Redress Act 2007 \(c. 17\)](#), ss. [55\(5\)](#), [66\(2\)](#) (with s. [48\(3\)](#)); S.I. 2008/905, art. [3\(2\)](#), Sch. 2

Discrimination

- 2 A person shall be deemed to have committed discrimination for the purposes of section 3(1)(b) of this Act in the following cases only, namely—
- (a) where a finding of discrimination has been made against him in proceedings under section 66 of the ^{M1}Sex Discrimination Act 1975 (in this Schedule referred to as “the 1975 Act”) and the finding has become final;
 - [^{F2}(b) where he has been given an unlawful act notice under section 21 of the Equality Act 2006 and no appeal under that section is pending or can be brought;
 - (c) where he is the subject of an injunction, interdict or order under section 24 (unlawful acts) or 25 (unlawful advertising, pressure, &c.) of the Equality Act 2006;
 - (d) where—
 - (i) a county court has determined in accordance with section 25 of the Equality Act 2006 that he committed an act which is unlawful under section 38, 39 or 40 of the Sex Discrimination Act 1975 or section 29, 30 or 31 of the Race Relations Act 1976 (unlawful advertising, pressure, &c.), and
 - (ii) no appeal under section 25 of the Equality Act 2006 is pending or can be brought (disregarding an appeal out of time);]
 - (e) where a finding of discrimination has been made against him in proceedings under section 57 of the ^{M2}Race Relations Act 1976 (in this Schedule referred to as “the 1976 Act”) and the finding has become final;
 - [^{F3}(f) where a non-discrimination notice has been served on him under the 1976 Act and the notice has become final;

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- (g) if he is for the time being subject to the restraints of an injunction or order granted against him in proceedings under section 62 (persistent discrimination) or section 63(4) (enforcement of sections 29 to 31) of the 1976 Act; or
- (h) if, on an application under section 63(2)(a) of the 1976 Act, there has been a finding against him that a contravention of section 29, section 30 or section 31 of that Act has occurred and that finding has become final;

and the finding, notice, injunction [^{F4}, interdict] or order related or relates to discrimination falling within Part III of the 1975 Act or the 1976 Act (discrimination in fields other than employment).

Textual Amendments

- F2** Sch. 1 para. 2(b)-(d) substituted (E.W.S.) (1.10.2007) by [Equality Act 2006 \(c. 3\), s. 93\(1\), Sch. 3 para. 38\(2\)](#) (with s. 92); S.I. 2007/2603, art. 2(d)
- F3** Sch. 1 para. 2(f)(h) repealed (E.W.S.) (1.10.2007) by [Equality Act 2006 \(c. 3\), s. 93\(1\), Sch. 3 para. 38\(3\), Sch. 4](#) (with s. 92); S.I. 2007/2603, art. 2(d)
- F4** Word in Sch. 1 para. 2 inserted (E.W.S.) (1.10.2007) by [Equality Act 2006 \(c. 3\), s. 93\(1\), Sch. 3 para. 38\(4\)](#) (with s. 92); S.I. 2007/2603, art. 2(d)

Marginal Citations

- M1** 1975 c. 65.
- M2** 1976 c. 74.

- 3 After the expiry of the period of five years beginning on the day on which any such finding or notice as is referred to in paragraph 2 above became final, no person shall be treated for the purposes of section 3(1)(b) of this Act as having committed discrimination by reason only of that finding or notice.
- 4 (1) So far as paragraphs 2 and 3 above relate to findings [^{F5}and notices] under the 1975 Act, subsections [^{F6}(1) and] (4) of section 82 of that Act (general interpretation provisions) shall have effect as if those paragraphs were contained in that Act.
- (2) So far as paragraphs 2 and 3 above relate to findings [^{F5}and notices] under the 1976 Act, subsections [^{F6}(1) and] (4) of section 78 of that Act (general interpretation provisions) shall have effect as if those paragraphs were contained in that Act.

Textual Amendments

- F5** Words in Sch. 1 para. 4(1)(2) repealed (E.W.S.) (1.10.2007) by [Equality Act 2006 \(c. 3\), s. 93\(1\), Sch. 3 para. 38\(5\)\(a\), Sch. 4](#) (with s. 92); S.I. 2007/2603, art. 2(d); S.I. 2007/2603, art. 2(d)
- F6** Words in Sch. 1 para. 4(1)(2) repealed (E.W.S.) (1.10.2007) by [Equality Act 2006 \(c. 3\), s. 93\(1\), Sch. 3 para. 38\(5\)\(b\), Sch. 4](#) (with s. 92); S.I. 2007/2603, art. 2(d); S.I. 2007/2603, art. 2(d)

- 5 In the application of paragraphs 2 to 4 above to Northern Ireland references to the 1975 Act shall be construed as references to the ^{M3}Sex Discrimination (Northern Ireland) Order 1976, and in particular—
 - (a) the references to sections 38, 39 and 40 of the 1975 Act shall be construed as references to Articles 39, 40 and 41 of that Order;

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- (b) the reference to subsections (1) and (4) of section 82 of the 1975 Act shall be construed as a reference to paragraphs (1), (2) and (5) or Article 2 of that Order; and
- (c) other references to numbered sections of the 1975 Act shall be construed as references to the Articles of that Order bearing the same number;

[^{F7}and there shall be omitted sub-paragraphs (e) to (h) of paragraph 2, sub-paragraph (2) of paragraph 4 and so much of paragraph 3 as relates to findings or notices under the 1976 Act.]

Textual Amendments

F7 By S.I. 1997/869 (N.I. 6), art. 73, Sch. 2 para. 2(2); S.R. 1997/273, art. 2(4) it is provided (4.8.1997) that for these words in Sch. 1 para. 5 there shall be substituted para. 6

Marginal Citations

M3 S.I. 1976/1042 (N.I. 15)

^{F8}[6 In the application of paragraphs 2 to 4 above to Northern Ireland references to the 1976 Act shall be construed as references to the Race Relations (Northern Ireland) Order 1997, and in particular the references to sections 29, 30, 31, 57, 62, 63(2)(a) and (4) and 78(1) and (4) of the 1976 Act shall be construed as references to Articles 29, 30, 31, 54, 59, 60(2)(a) and (4) and 2(2) and (3) respectively of that Order.]

Textual Amendments

F8 By S.I. 1997/869 (N.I. 6), art. 73, Sch. 2 para. 2(2); S.R. 1997/273, art. 2(4) it is provided (4.8.1997) that for certain words in Sch. 1 para. 5 there shall be substituted para. 6

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