



Estate Agents Act 1979

1979 CHAPTER 38

Application of Act

1 Estate agency work

(1) This Act applies, subject to subsections (2) to (4) below to things done by any person in the course of a business (including a business in which he is employed) pursuant to instructions received from another person (in this section referred to as "the client") who wishes to dispose of or acquire an interest in land—

- (a) for the purpose of, or with a view to, effecting the introduction to the client of a third person who wishes to acquire or, as the case may be, dispose of such an interest; and
- (b) after such an introduction has been effected in the course of that business, for the purpose of securing the disposal or, as the case may be, the acquisition of that interest;

and in this Act the expression "estate agency work" refers to things done as mentioned above to which this Act applies.

(2) This Act does not apply to things done—

- (a) in the course of his profession by a practising solicitor or a person employed by him; or
- (b) in the course of credit brokerage, within the meaning of the Consumer Credit Act 1974 ; or
- (c) in the course of insurance brokerage by a person who is for the time being registered under section 2, or enrolled under section 4, of the Insurance Brokers (Registration) Act 1977; or
- (d) in the course of carrying out any survey or valuation pursuant to a contract which is distinct from that under which other things falling within subsection (1) above are done ; or
- (e) in connection with applications and other matters arising under the Town and Country Planning Act 1971 or the Town and Country Planning (Scotland) Act 1972 or the Planning (Northern Ireland) Order 1972.

(3) This Act does not apply to things done by any person—

Status: This is the original version (as it was originally enacted).

- (a) pursuant to instructions received by him in the course of his employment in relation to an interest in land if his employer is the person who, on his own behalf, wishes to dispose of or acquire that interest; or
 - (b) in relation to any interest in any property if the property is subject to a mortgage and he is the receiver of the income of it; or
 - (c) in relation to a present, prospective or former employee of his or of any person by whom he also is employed if the things are done by reason of the employment (whether past, present or future).
- (4) This Act does not apply to the publication of advertisements or the dissemination of information by a person who does no other acts which fall within subsection (1) above.
- (5) In this section—
- (a) " practising solicitor" means, except in Scotland, a solicitor who is qualified to act as such under section 1 of the Solicitors Act 1974 or Article 4 of the Solicitors (Northern Ireland) Order 1976, and in Scotland includes a firm of practising solicitors;
 - (b) " mortgage " includes a debenture and any other charge on property for securing money or money's worth ; and
 - (c) any reference to employment is a reference to employment under a contract of employment.