



Estate Agents Act 1979

1979 CHAPTER 38

Supervision, enforcement, publicity, etc.

20 Prohibition of pre-contract deposits in Scotland.

- (1) No person may, in the course of estate agency work in Scotland, seek or accept from any person (in this section referred to as a “prospective purchaser”) who wishes to acquire an interest in land in the United Kingdom a payment which, if made, would constitute a pre-contract deposit or, as the case may be, which constitutes such a deposit.
- (2) If, in the course of estate agency work in Scotland, any person receives from a prospective purchaser a payment which constitutes a pre-contract deposit, it shall forthwith be either repaid to the prospective purchaser or paid to such person as the prospective purchaser shall direct.
- (3) Failure by any person to comply with subsection (1) or subsection (2) above may be taken into account by the [F1lead enforcement authority] in accordance with section 3(1)(c) above but shall not render that person liable to any criminal penalty nor constitute a ground for any civil claim, other than a claim under subsection (2) above for the recovery of the pre-contract deposit.
- (4) This section forms part of the law of Scotland only.

Textual Amendments

- F1** Words in s. 20(3) 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\(7\)\(e\)](#) (with Sch. 1 para. 28, 2 paras. 13-15)

Changes to legislation:

Estate Agents Act 1979, Section 20 is up to date with all changes known to be in force on or before 09 May 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.

[View outstanding changes](#)

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\(1\)](#)