

Order made by the Secretary of State, laid before Parliament under section 3(6) of the Estate Agents Act 1979, for approval by resolution of each House of Parliament within twenty-eight days beginning with the day on which the Order was made, subject to extension for periods of dissolution, prorogation or adjournment for more than four days.

STATUTORY INSTRUMENTS

1991 No. 860

ESTATE AGENTS

The Estate Agents (Specified Offences) Order 1991

<i>Made</i>	- - - -	<i>28th March 1991</i>
<i>Laid before Parliament</i>		<i>28th March 1991</i>
<i>Coming into force</i>	- -	<i>13th May 1991</i>

The Secretary of State, after consulting in accordance with section 30(1) of the Estate Agents Act 1979⁽¹⁾ the persons therein referred to, in exercise of the powers conferred on him by section 3(1) (a)(iii) of that Act and of all other powers enabling him in that behalf, hereby makes the following Order:

1. This Order may be cited as the Estate Agents (Specified Offences) Order 1991 and shall come into force on 13th May 1991.
2. Offences committed under the provisions of the Acts and Orders listed in the Schedule to this Order are hereby specified for the purposes of section 3 of the Estate Agents Act 1979.

28th March 1991

Edward Leigh
Parliamentary Under Secretary of State
Department of Trade and Industry

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Article 2

SPECIFIED OFFENCES

Act or Order	Provision	Description of Offence
Administration of Justice Act 1970(2)	Section 40(1)(a)	Unlawful harassment of debtors
Administration of Justice Act 1985(3)	Section 35	Pretence of being a licensed conveyancer or recognised body
Building Societies Act 1986(4)	Paragraph 5 of Part III and paragraph 6 of Part IV of Schedule 8(5)	Performance by building society employee who has certain duties of service for associated body which carries out estate agency work
Company Directors Disqualification Act 1986(6)	Section 11(1)	Undischarged bankrupt acting as company director without leave
	Section 12(2)	Acting as company director without leave where court revokes administration order
	Section 13	Acting as a director in contravention of a disqualification order etc.
Companies (Northern Ireland) Order 1986(7)	Article 303(7)	Acting in contravention of a disqualification order
	Article 310	Undischarged bankrupt acting as company director without leave
Consumer Credit Act 1974(8)	Section 7	Provision of false or misleading information to Director General of Fair Trading
	Section 39(1) (2) and (3)	Licensing offences
	Section 46(1)	False or misleading advertisements
	Section 154	Canvassing ancillary credit activities off trade premises

(2) 1970 c. 31.

(3) 1985 c. 61.

(4) 1986 c. 53.

(5) Schedule 8 was substituted by the Building Societies (Commercial Assets and Services) Order 1988 S.I.1988/1141, article 5, schedule 5.

(6) 1986 c. 46.

(7) S.I. 1986/1032 (N.I.6).

(8) 1974 c. 39.

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Act or Order	Provision	Description of Offence
Consumer Protection Act 1987 ⁽⁹⁾	Section 165(1)	Obstruction of authorised officer
	Section 167(2)	Breach of certain regulations
	Section 20(1) and (2)	Misleading indication of prices of goods, services etc
	Section 32(1) and (2)(b)	Obstruction of authorised officer
Consumer Protection (Northern Ireland) Order 1987 ⁽¹⁰⁾	Article 13 paragraphs (1) and (2)	Misleading indication of prices of goods, services etc
	Article 24(1) and (2)(b)	Obstruction of authorised officer
Data Protection Act 1984 ⁽¹¹⁾	Section 5	Prohibition of unregistered holding etc of personal data
	Section 6(6)	Provision of false etc information to Data Protection Registrar
	Section 10(9)	Failure to comply with an enforcement notice
	Section 15	Unauthorised disclosure by computer bureau
Financial Services Act 1986 ⁽¹²⁾	Section 4	Carrying on investment business without authorisation etc
	Section 57	Issue of investment advertisements not approved by an authorised person
	Section 59(5)	Employment in contravention of disqualification direction
	Section 105(10) ⁽¹³⁾	Investigation powers: Failure to comply with a requirement
	Section 111(1)	Furnishing false or misleading information to auditors etc
	Section 130	Restriction on promotion of contracts of insurance
	Section 133(1)(b)	Misleading statements as to insurance

⁽⁹⁾ 1987 c. 43.

⁽¹⁰⁾ S.I. 1987/2049 (N.I.20).

⁽¹¹⁾ 1984 c. 35.

⁽¹²⁾ 1986 c. 60.

⁽¹³⁾ Section 105 was amended by section 73 of the Companies Act 1989 (c. 40).

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Act or Order	Provision	Description of Offence
	Section 199(6)(14)	Obstruction of powers of entry
	Section 200(1), (2) and (3)	False or misleading statements etc
	Schedule 6, paragraph 5(3)	Failure in relation to attendance at, and evidence etc before Financial Services Tribunal
Malicious Communications Act 1988(15)	Section 1(1)(a)(i) and (ii)	Sending letters etc with intent to cause distress or anxiety
Malicious Communications (Northern Ireland) Order 1988(16)	Article 3(1)(a)(i) and (ii)	Sending letters etc with intent to cause distress or anxiety
Trade Descriptions Act 1968(17)	Section 1(1)	Applying false trade description in relation to goods
	Section 13	False representations as to supply of goods or services
	Section 14(1)(b)	False or misleading statements as to services etc
	Section 29(1)	Obstruction of authorised officers

EXPLANATORY NOTE

(This note is not part of the Order)

Section 3 of the Estate Agents Act 1979 confers power on the Director General of Fair Trading to make orders prohibiting unfit persons from doing estate agency work. This power may not, however, be exercised in relation to any person unless certain circumstances have arisen. One circumstance in which the power may be exercised is where the Director is satisfied that a person has been convicted of one of certain offences. These offences include any offence involving fraud or other dishonesty or violence, offences under certain sections of the 1979 Act itself and any other offence that has been specified for the purposes of section 3 by the Secretary of State.

Article 2 and the Schedule to this Order specify those other offences.

(14) Section 199(6) was amended by section 76 of the Companies Act 1989.

(15) 1988 c. 27.

(16) S.I. 1988/1849 (N.I.18).

(17) 1968 c. 29.