



Housing (Scotland) Act 2006

2006 asp 1

PART 3

PROVISION OF INFORMATION ON SALE OF HOUSE

Responsibility for marketing houses

106 Responsibility for marketing: general

- (1) Only the seller or a person acting as agent for the seller may be responsible for marketing the house.
- (2) A seller is not so responsible if any person is acting as agent for the seller.
- (3) But a seller who—
 - (a) is not responsible because of subsection (2), and
 - (b) reasonably believes that the person acting as agent for the seller possesses the prescribed documents,must take reasonable steps to inform a potential buyer that a request under section 99(1) should be made to the person acting as agent.
- (4) A person may be responsible for marketing the house on more than one occasion.

107 Responsibility of person acting as agent

- (1) A person acting as agent becomes responsible for marketing the house when action taken by or on behalf of that person results in the house being on the market.
- (2) That responsibility ceases when—
 - (a) the house is sold or taken off the market, or
 - (b) each of the conditions in subsection (3) is satisfied.
- (3) Those conditions are that—
 - (a) the contract between the person acting as agent and the seller is terminated (whether by withdrawal of marketing instructions or otherwise),

Status: This is the original version (as it was originally enacted).

- (b) the person acting as agent has ceased to take any action which makes public the fact that the house is on the market, and
- (c) any such action being taken on behalf of the person acting as agent has ceased.

108 Responsibility of seller

- (1) A seller becomes responsible for marketing the house when action taken by or on behalf of the seller results in the house being on the market.
- (2) That responsibility ceases when—
 - (a) the house is sold or taken off the market, or
 - (b) the conditions in subsection (3) are satisfied.
- (3) Those conditions are that—
 - (a) the seller has ceased to take any action which makes public the fact that the house is on the market, and
 - (b) any such action being taken on behalf of the seller has ceased.
- (4) In this section references to action taken on behalf of the seller exclude action taken by or on behalf of a person acting as the seller's agent.