



Estate Agents Act 1979

1979 CHAPTER 38

Clients' money and accounts

13 Clients' money held on trust or as agent

- (1) It is hereby declared that clients' money received by any person in the course of estate agency work in England, Wales or Northern Ireland—
 - (a) is held by him on trust for the person who is entitled to call for it to be paid over to him or to be paid on his direction or to have it otherwise credited to him, or
 - (b) if it is received by him as stakeholder, is held by him on trust for the person who may become so entitled on the occurrence of the event against which the money is held.
- (2) It is hereby declared that clients' money received by any person in the course of estate agency work in Scotland is held by him as agent for the person who is entitled to call for it to be paid over to him or to be paid on his direction or to have it otherwise credited to him.
- (3) The provisions of sections 14 and 15 below as to the investment of clients' money, the keeping of accounts and records and accounting for interest shall have effect in place of the corresponding duties which would be owed by a person holding clients' money as trustee, or in Scotland as agent, under the general law.
- (4) Where an order of the Director under section 3 above has the effect of prohibiting a person from holding clients' money the order may contain provision—
 - (a) appointing another person as trustee, or in Scotland as agent, in place of the person to whom the order relates to hold and deal with clients' money held by that person when the order comes into effect; and
 - (b) requiring the expenses and such reasonable remuneration of the new trustee or agent as may be specified in the order to be paid by the person to whom the order relates or, if the order so provides, out of the clients' money;

but nothing in this subsection shall affect the power conferred by section 41 of the Trustee Act 1925 or section 40 of the Trustee Act (Northern Ireland) 1958 to appoint a new trustee to hold clients' money.

Status: This is the original version (as it was originally enacted).

- (5) For the avoidance of doubt it is hereby declared that the fact that any person has or may have a lien on clients' money held by him does not affect the operation of this section and also that nothing in this section shall prevent such a lien from being given effect.