

Status: This version of this provision is prospective.

Changes to legislation: Estate Agents Act 1979, Section 17 is up to date with all changes known to be in force on or before 14 September 2023. 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. (See end of Document for details) View outstanding changes



Estate Agents Act 1979

1979 CHAPTER 38

Clients' money and accounts

PROSPECTIVE

17 Exemptions from section 16.

- (1) If, on an application made to [F¹it] in that behalf, the [F²lead enforcement authority] considers that a person engaged in estate agency work may, without loss of adequate protection to consumers, be exempted from all or any of the provisions of subsection (1) of section 16 above or of regulations under subsection (2) of that section, [F¹it] may issue to that person a certificate of exemption under this section.
- (2) An application under subsection (1) above—
 - (a) shall state the reasons why the applicant considers that he should be granted a certificate of exemption; and
 - (b) shall be accompanied by the prescribed fee.
- (3) A certificate of exemption under this section—
 - (a) may impose conditions of exemption on the person to whom it is issued;
 - (b) may be issued to have effect for a period specified in the certificate or without limit of time.
- (4) If and so long as—
 - (a) a certificate of exemption has effect, and
 - (b) the person to whom it is issued complies with any conditions of exemption specified in the certificate,that person shall be exempt, to the extent so specified, from the provisions of subsection (1) of section 16 above and of any regulations made under subsection (2) of that section.
- (5) If the [F³lead enforcement authority] decides to refuse an application under subsection (1) above [F⁴it] shall give the applicant notice of [F⁴its] decision and of the reasons for it, including any facts which in [F⁴its] opinion justify the decision.

Status: This version of this provision is prospective.

Changes to legislation: Estate Agents Act 1979, Section 17 is up to date with all changes known to be in force on or before 14 September 2023. 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. (See end of Document for details) View outstanding changes

- (6) If a person who made an application under subsection (1) above is aggrieved by a decision of the [^{F5}lead enforcement authority]—
- (a) to refuse his application, or
 - (b) to grant him a certificate of exemption subject to conditions,
- he may appeal against the decision to the Secretary of State; and subsections (2) to (6) of section 7 above shall apply to such an appeal as they apply to an appeal under that section.
- (7) A person who fails to comply with any condition of exemption specified in a current certificate of exemption issued to him shall be liable on conviction on indictment or on summary conviction to a fine which, on summary conviction, shall not exceed the statutory maximum.

Textual Amendments

- F1** Word in s. 17(1) substituted (1.4.2003) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 25 para. 9(10)(b)**; S.I. 2003/766, art. 2, Sch. (with art. 3) (as amended (20.7.2007) by S.I. 2007/1846, reg. 3(2), Sch.)
- F2** Words in s. 17(1) 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)(c)** (with Sch. 1 para. 28, 2 paras. 13-15)
- F3** Words in s. 17(5) 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)(c)** (with Sch. 1 para. 28, 2 paras. 13-15)
- F4** Words in s. 17(5) substituted (1.4.2003) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 25 para. 9(10)(c)**; S.I. 2003/766, art. 2, Sch. (with art. 3) (as amended (20.7.2007) by S.I. 2007/1846, reg. 3(2), Sch.)
- F5** Words in s. 17(6) 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)(c)** (with Sch. 1 para. 28, 2 paras. 13-15)

Status:

This version of this provision is prospective.

Changes to legislation:

Estate Agents Act 1979, Section 17 is up to date with all changes known to be in force on or before 14 September 2023. 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\(1\)](#)