



Consumers, Estate Agents and Redress Act 2007

2007 CHAPTER 17

PART 3

AMENDMENT OF THE ESTATE AGENTS ACT 1979

Estate agents' duties

53 Membership of redress schemes

- (1) Schedule 6 (which amends the Estate Agents Act 1979 (c. 38) to make provision for redress schemes dealing with complaints about estate agents) has effect.
- (2) In section 3(1) of the Estate Agents Act 1979 (grounds for making prohibition orders), after paragraph (c) insert—
 - “(ca) has engaged in estate agency work in relation to residential property in breach of the duty imposed by an order under section 23A(1) below; or”.
- (3) Sections 172 to 174 of the Housing Act 2004 (c. 34) (redress schemes dealing with complaints about the activities of estate agents in relation to home information packs) are omitted.

54 Duty to keep records

- (1) After section 21 of the Estate Agents Act 1979 (transactions in which an estate agent has a personal interest) insert—

“21A Duty to keep permanent records

- (1) A person engaged in estate agency work shall—

Status: This is the original version (as it was originally enacted).

- (a) keep records for the purposes of this section (“the permanent records”); and
 - (b) ensure that anything required by subsection (3) to be included in the permanent records is kept for a period of at least six years beginning with the day on which it is included.
 - (2) In the case of a person engaged in estate agency work in the course of employment the duties under subsection (1) are duties of the employer (and not the employee).
 - (3) A person engaged in estate agency work shall ensure that a record of any information or event to which this subsection applies is included in the permanent records kept by that person or his employer (as the case may be).
 - (4) Subsection (3) applies to—
 - (a) information the person concerned is required to give by section 18(1) or (3) and any prescribed information relating to the giving of that information;
 - (b) information the person concerned is required to disclose by section 21(1) or (2) and any prescribed information relating to the disclosure of that information;
 - (c) any offer of a prescribed description received by the person concerned and any prescribed information relating to the making of the offer;
 - (d) any action of a prescribed description taken by the person concerned in relation to such an offer and any prescribed information relating to that action; and
 - (e) any other information or event of a prescribed description.
 - (5) If the person concerned is acting in the course of employment, it is also the duty of the employer to ensure that the record of the information or event is included in the permanent records; but the employer is not to be regarded as having breached his duty if he shows that he took such steps as were reasonably practicable to ensure that the duty under subsection (3) was complied with by his employees.
 - (6) The Secretary of State may by regulations make provision as to—
 - (a) the manner in which the permanent records are to be kept;
 - (b) the place or places at which they are to be kept.
 - (7) In this section “prescribed” means prescribed by regulations made by the Secretary of State.
 - (8) Any power to make regulations under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.”
- (2) In section 3(1) of that Act (grounds for making prohibition orders), in paragraph (c), for “21” substitute “21A”.