



Estate Agents Act 1979

1979 CHAPTER 38

Regulation of other aspects of estate agency work

20 Prohibition of pre-contract deposits in Scotland

- (1) No person may, in the course of estate agency work in Scotland, seek or accept from any person (in this section referred to as a "prospective purchaser") who wishes to acquire an interest in land in the United Kingdom a payment which, if made, would constitute a pre-contract deposit or, as the case may be, which constitutes such a deposit.
- (2) If, in the course of estate agency work in Scotland, any person receives from a prospective purchaser a payment which constitutes a pre-contract deposit, it shall forthwith be either repaid to the prospective purchaser or paid to such person as the prospective purchaser shall direct.
- (3) Failure by any person to comply with subsection (1) or subsection (2) above may be taken into account by the Director in accordance with section 3(1)(c) above but shall not render that person liable to any criminal penalty nor constitute a ground for any civil claim, other than a claim under subsection (2) above for the recovery of the pre-contract deposit.
- (4) This section forms part of the law of Scotland only.