
STATUTORY INSTRUMENTS

1991 No. 1032

The Estate Agents (Undesirable Practices) (No. 2) Order 1991

Citation, commencement, interpretation and revocation

1.—(1) This Order may be cited as the Estate Agents (Undesirable Practices)(No. 2) Order 1991 and shall come into force on 29th July 1991.

(2) In this Order—

“the Act” means the Estate Agents Act 1979;

“associate” has the meaning given to it in section 32(1) of the Act;

“client” means a person on whose behalf an estate agent acts;

“connected person” in relation to an estate agent means any of the following—

- (a) his employer or principal, or
- (b) any employee or agent of his, or
- (c) any associate of his or of any person mentioned in (a) and (b)above;

“estate agent” means any person who in the course of a business (including one in which he is employed) engages in estate agency work and includes cases where he is negotiating on his own behalf;

“estate agency work” has the meaning given in section 1(1) of the Act;

“financial benefit” includes commission and any performance related bonus;

“interest in land” means any of the interests referred to in section 2 of the Act and references to an

“interest in the land” are references to the particular interest in land of which the estate agent is engaged to secure the disposal or acquisition;

“promptly” means within as short a period as is reasonably practicable in the circumstances, from the moment when what is to be done can reasonably be done;

“purchaser” means a person to whom an interest in land is transferred or in whose favour it is created;

“services” means any service for consideration provided, or to be provided, to a prospective purchaser—

- (a) by an estate agent or a connected person, or (in a case where the estate agent or connected person would derive a financial benefit from the provision of the service) by another person, and which
- (b) is such as would ordinarily be made available to a prospective purchaser in connection with his acquisition of an interest in land or his use or enjoyment of it (including the provision to that purchaser of banking and insurance services and financial assistance and securing the disposal for that purchaser of an interest in land if that disposal is one which has to be made in order for him to be able to make the acquisition he is proposing or is one which is a result of that acquisition).

(3) The Estate Agents (Undesirable Practices) Order 1991(1) is hereby revoked.

Undesirable Practices

2. For the purposes of section 3(1)(d) of the Act the following practices in relation to estate agency work are hereby declared undesirable, that is to say as regards—

- (a) the disclosure of a personal interest, any failure to disclose that interest as described in Schedule 1 to this Order;
- (b) the arrangement and performance of services, any act or omission as described in Schedule 2 to this Order;
- (c) other matters in the course of that work, any misdescription or omission of the kind described in Schedule 3 to this Order;

and the provisions of such Schedules shall have effect for supplementing the above paragraphs.

19th April 1991

Peter Lilley
Secretary of State
Department of Trade and Industry