
STATUTORY INSTRUMENTS

2015 No. 951

CONSUMER PROTECTION, ENGLAND

**The Duty of Letting Agents to Publicise Fees
etc. (Exclusion) (England) Regulations 2015**

<i>Made</i>	- - - -	<i>26th March 2015</i>
<i>Laid before Parliament</i>		<i>27th March 2015</i>
<i>Coming into force</i>	- -	<i>27th May 2015</i>

The Secretary of State, in exercise of the powers conferred by section 84(3) of the Consumer Rights Act 2015⁽¹⁾, makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Duty of Letting Agents to Publicise Fees etc. (Exclusion) (England) Regulations 2015.

(2) These Regulations come into force on 27th May 2015.

(3) These Regulations apply in relation to England only.

Interpretation

2. In these Regulations—

“the 2007 Act” means the Legal Services Act 2007⁽²⁾;

“the 2015 Act” means the Consumer Rights Act 2015;

“an authorised person” has the meaning given by section 18 of the 2007 Act; and

“legal activity” has the meaning given by section 12 of the 2007 Act.

Persons who are not letting agents

3. For the purposes of Chapter 3 of Part 3 of the 2015 Act, a person is not a letting agent if—

(a) the person is an authorised person; and

(b) the person is engaged in legal activity and does nothing else within section 86(1) of the 2015 Act.

(1) 2015 c. 15.

(2) 2007 c. 29.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Signed by authority of the Secretary of State for Communities and Local Government

26th March 2015

Lord Ahmad
Parliamentary Under Secretary of State
Department for Communities and Local
Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations create an exclusion from Chapter 3 of Part 3 of the Consumer Rights Act 2015 (“the 2015 Act”) which is applicable to legal professionals in certain circumstances.

Chapter 3 of Part 3 of the 2015 Act places a duty on a letting agent to publicise details of its relevant fees etc by displaying them at its premises and by publishing them on its website.

By section 84(1) of the 2015 Act a letting agent is defined as a person who engages in letting agency work (defined at section 86(1)) whether or not that person engages in other work.

The 2015 Act provides that a letting agent must include in its list of the fees any fees which are payable to it by a landlord or a tenant in respect of letting agency or property management work or otherwise in connection with an assured tenancy of a dwelling-house (including a proposed assured tenancy).

With the list of fees the agent is also required to display or publish a statement of whether the agent is a member of a client money protection scheme (if the agent holds client monies) and details of its membership of a redress scheme (if it is required to belong to one).

The Legal Services Act 2007 (“the 2007 Act”) makes provision for the regulation of the legal services sector by approved regulators. It provides that certain legal activity, termed reserved legal activity, may only be carried out by a person authorised by an approved regulator (“an authorised person”).

In these Regulations “legal activity” has the meaning given by section 12 of the 2007 Act and includes reserved legal activity (for example, the exercise of a right of audience and the conduct of litigation) and any other activity which consists of the provision of legal advice or assistance in connection with the application of the law or with any form of resolution of legal disputes and/or the provision of representation in connection with any matter concerning the application of the law or any form of resolution of legal disputes.

These Regulations provide that authorised persons within the meaning of the 2007 Act are not letting agents for the purposes of Chapter 3 of Part 3 of the 2015 Act when engaged in legal activity within the meaning of the 2007 Act. Accordingly authorised persons engaged in legal activity are excluded from the duty of lettings agents to publicise relevant fees etc unless they are also engaged in lettings work that is not “legal activity”.