



# Estate Agents Act 1979

## 1979 CHAPTER 38

### *Application of Act*

#### **2 Interests in land.**

- (1) Subject to subsection (3) below, any reference in this Act to disposing of an interest in land is a reference to—
- transferring a legal estate in fee simple absolute in possession; or
  - transferring or creating, elsewhere than in Scotland, a lease which, by reason of the level of the rent, the length of the term or both, has a capital value which may be lawfully realised on the open market; or
  - transferring or creating in Scotland any estate or interest in land which is capable of being owned or held as a separate interest and to which a title may be recorded in the Register of Sasines;
- and any reference to acquiring an interest in land shall be construed accordingly.
- (2) In subsection (1)(b) above the expression “lease” includes the rights and obligations arising under an agreement to grant a lease.
- (3) Notwithstanding anything in subsections (1) and (2) above, references in this Act to disposing of an interest in land do not extend to disposing of—
- the interest of a creditor whose debt is secured by way of a mortgage or charge of any kind over land or an agreement for any such mortgage or charge; or
  - in Scotland, the interest of a creditor in a heritable security as defined in section 9(8) of the <sup>M1</sup>Conveyancing and Feudal Reform (Scotland) Act 1970.

#### **Modifications etc. (not altering text)**

**C1** S. 2 applied by [Property Misdescriptions Act 1991 \(c. 29, SIF 124:4\)](#), s. 1(6)(a)

#### **Marginal Citations**

**M1** 1970 c. 35.

**Status:**

Point in time view as at 31/03/2014.

**Changes to legislation:**

Estate Agents Act 1979, Section 2 is up to date with all changes known to be in force on or before 03 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.