
EXPLANATORY NOTE

(This note is not part of the Order)

Section 3(1)(d) of the Estate Agents Act 1979 confers power on the Secretary of State to declare practices in relation to estate agency work to be undesirable. When a practice has been so declared the Director General of Fair Trading can, if satisfied that a person has engaged in it and is unfit to carry on estate agency work, make an order prohibiting that person from carrying on estate agency work, either at all or of a description specified.

By this Order certain practices are declared to be undesirable, namely, the failure by an estate agent promptly and in writing to disclose certain interests (article 2(a) and Schedule 1), discriminatory conduct against purchasers who are not accepting services from the agent or from certain other persons, and the failure to keep clients informed as to such services as have been applied for by prospective purchasers (article 2(b) and Schedule 2), the making of misrepresentations and the failure promptly and in writing to forward to the client accurate details of offers received (article 2(c) and Schedule 3).