

**Version No. 002**  
**Estate Agents (Exemption) Regulations 2005**

**S.R. No. 169/2005**

Version as at 29 February 2008

**TABLE OF PROVISIONS**

<i>Regulation</i>	<i>Page</i>
1 Objective	1
2 Authorising provision	1
3 Commencement	1
4 Revocation	1
5 Exemption for certain corporations	1
6 Exemption for employees of authorised deposit-taking institutions	2
7 Exemption for persons who arrange short term letting	2
<hr style="border-top: 3px double #000;"/>	
<b>ENDNOTES</b>	<b>4</b>
1. General Information	4
2. Table of Amendments	5
3. Explanatory Details	6

---

**Version No. 002**  
**Estate Agents (Exemption) Regulations 2005**  
**S.R. No. 169/2005**

Version as at 29 February 2008

**1 Objective**

The objective of these Regulations is to exempt certain classes of corporations, employees of authorised deposit-taking institutions and persons who arrange for the short term letting of residential property from the requirement to hold an estate agent's licence in certain circumstances.

**2 Authorising provision**

These Regulations are made under section 99 of the **Estate Agents Act 1980**.

**3 Commencement**

These Regulations come into operation on 31 December 2005.

**4 Revocation**

The Estate Agents (Exemption) Regulations 1997<sup>1</sup> are **revoked**.

**5 Exemption for certain corporations**

A corporation which—

- (a) carries on the business of an estate agent in relation to the assets of—
  - (i) another corporation which is directly or indirectly wholly owned by the first mentioned corporation; or

- (ii) another corporation, where both corporations are directly or indirectly owned by the same persons in the same proportions; or
  - (iii) another corporation which directly or indirectly wholly owns the first mentioned corporation; and
- (b) is an estate agent by reason only of the business carried on by it in relation to those assets; and
- (c) when carrying on that business as an estate agent discloses in writing in any advertising or contract relating to those assets its relationship to the owner of those assets—

is an exempt person for the purposes of section 5(2)(h) of the **Estate Agents Act 1980**.

**6 Exemption for employees of authorised deposit-taking institutions**

An employee of an authorised deposit-taking institution, in carrying out any transaction for that institution, is an exempt person for the purposes of section 5(2)(h) of the **Estate Agents Act 1980**.

**7 Exemption for persons who arrange short term letting**

- (1) A person who acts as an estate agent solely in relation to the letting of residential property where the period of each letting is or is to be for a period of 90 days or less is an exempt person for the purposes of section 5(2)(h) of the **Estate Agents Act 1980**.
- (2) Two or more consecutive lettings of the same residential property are to be treated as a single letting for the purpose of subregulation (1) if each of the lettings is to the same person or persons.

- (3) For the purpose of subregulation (2), two or more lettings of the same residential property to the same person or persons are to be treated as consecutive unless the property is let to another person between those lettings.
- 
-

## ENDNOTES

### 1. General Information

The Estate Agents (Exemption) Regulations 2005, S.R. No. 169/2005 were made on 20 December 2005 by the Lieutenant-Governor, having assumed the administration of the government of the State, with the advice of the Executive Council, under section 99 of the **Estate Agents Act 1980**, No. 9428/1980 and came into operation on 31 December 2005: regulation 3.

The Estate Agents (Exemption) Regulations 2005 will sunset 10 years after the day of making on 20 December 2015 (see section 5 of the **Subordinate Legislation Act 1994**).

**2. Table of Amendments**

There are no amendments made to the Estate Agents (Exemption) Regulations 2005 by statutory rules, subordinate instruments and Acts.

**3. Explanatory Details**

<sup>1</sup> Reg. 4: S.R. No. 9/1997.