

**NATIONAL
TRADING
STANDARDS**

**Estate and Letting
Agency Team**

Protecting Consumers
Safeguarding Businesses

Approval of new residential estate agency redress scheme operators

Guidance for new applicants

January 2024

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Any enquiries regarding this publication should be sent to us at: National Trading Standards Estate and Lettings Agency Team, Powys County Council, The Gwalia, Llandrindod Wells, Powys, LD1 6AA, or email: estate.agency@powys.gov.uk.

This publication is also available from our website at: www.ntselat.uk.

The contents of this guidance does not constitute legal advice merely the application of the law as interpreted by the National Trading Standards Estate and Lettings Agency Team; only a court of law can provide certainty.

This guidance sets out the procedures that need to be followed by a prospective estate agency redress scheme operator (“the scheme operator”) to apply for its scheme to be approved by the National Trading Standards Estate and Letting Agency Team.

This guidance is in relation to the provisions under the Estate Agency Act 1979 and for prospective scheme operators wishing to provide a redress scheme for complaints in relation to residential estate agency work across the United Kingdom.

1. Prospective applicants shall download the scheme approval application form from the website at www.ntselat.uk.

Further information and advice can be sought from the Policy and Information Manager at:

estate.agency@powys.gov.uk

The postal address for contact and application submission is:

Policy and Information Manager

NTS Estate and Letting Agency Team

Powys County Council

Y Gwalia

Ithon Road

Llandrindod Wells

LD1 6AA

2. Applicants should carefully complete the application form and email it, along with relevant supporting documents to estate.agency@powys.gov.uk. An email acknowledgement will be sent.
3. Applicants should also forward a hard copy of the application form and supporting documents in hard copy to the postal address above.
4. Application forms and supporting information will be placed on the NTS Estate and Letting Agency Team website. Anyone wishing to comment on the application will be able to do so.
5. Applications will be assessed, and relevant stakeholders consulted about the application. Responses from stakeholders will be placed on the website.
6. An application of a prospective scheme operator shall not be approved if the NTS Estate and Letting Agency Team does not consider the provisions of the scheme and the manner in which it will be operated are satisfactory for the purposes of [section 23A of the Estate Agents Act 1979](#), subject to the approval conditions and further considerations under [Schedule 3 of the Act](#).
7. If the NTS Estate and Letting Agency Team proposes to refuse the application, applicants will be sent a notice outlining the proposal to refuse and the reasons for it, and applicants will be invited to submit representations in writing within a period specified in the notice, which shall not be less than 30 days.

Where an application is refused

8. If the NTS Estate and Letting Agency Team decides to refuse an application (or if representations are not received within the specified period), the applicant will receive a notice confirming the decision to refuse the application and the reasons why. A press release will be issued, and a copy of this refusal notice will be placed on the website.
9. The NTS Estate and Letting Agency Team reserves the right not to accept a further application from a prospective scheme operator within a period of 12 months starting with the day in which the applicant was informed that their previous application was refused.

Where an application is approved

10. If an application is successful, a letter formally confirming approval will be sent to the applicant and a copy will be placed on the website. The NTS Estate and Letting Agency Team will also issue a press release confirming approval.
11. The successful applicant's scheme approval shall not come into operation until the date specified in the formal approval letter, or a date otherwise agreed with NTS Estate and Letting Agency Team ("the start date").
12. From the start date, the scheme operator will be able to advertise that the scheme is approved by the NTS Estate and Letting Agency Team. The wording used should be "NTSELAT approved estate agency redress scheme", (or similar). The NTSELAT logo is trademarked and may be used only in relation to the scheme's approval status under the Estate Agents Act 1979, only with prior written consent from NTSEALT.
13. It is the scheme operator's responsibility to ensure that any publicity used is in line with the wording outlined above and is not misleading. If it is, the NTS Estate and Letting Agency Team the scheme operator to take appropriate action to ensure that the wording is removed or amended forthwith.
14. Any publicity generated by the scheme operator in relation to the NTS Estate and Letting Agency Team approved status should be passed in draft form to the NTS Estate and Letting Agency Team for consideration at least 48 hours prior to its intended publication.
15. The scheme operator will be subject to ongoing monitoring and governance engagement with NTS Estate and Letting Agency Team in line with the approval conditions and the requirements under section 23A and Schedule 3 of the Estate Agents Act 1979.
16. The scheme operator may be subject to contracting and relevant service level agreements before any scheme approval or start date is given.

Notifications regarding proposed changes to an approved scheme

17. A scheme operator must notify the NTS Estate and Letting Agency Team of any changes to the scheme within 14 days of the change being made¹.
18. The notification should be emailed to the NTS Estate and Letting Agency Team at estate.agency@powys.gov.uk. On receipt of the notification, scheme operators will receive an email acknowledgment.
19. If the NTS Estate and Letting Agency Team decides that any change made to the scheme means that the approval criteria are no longer being met, then it will notify the scheme operator of its intention to consider withdrawal of approval.

Withdrawal of approval

20. The NTS Estate and Letting Agency Team may withdraw approval of a redress scheme which is being approved by it².
21. The process for withdrawal of approval is outlined in Schedule 3 of the Estate Agents Act 1979. Where the NTS Estate and Letting Agency Team proposes to withdraw approval of a redress scheme, the scheme operator will receive a notice of the proposal and the reasons for it. The scheme operator will be invited to provide representations about the proposed withdrawal within a period not less than 30 days specified in the notice.
22. The scheme operator will receive a notice of the NTS Estate and Letting Agency Team's decision on its proposal to withdraw approval and its reasons for the decision.
23. If approval is withdrawn, the withdrawal has effect from the date specified in the notice, and the scheme operator must give a copy of the notice to every member of the scheme.
24. The scheme operator will no longer be entitled to promote itself as an approved redress scheme for residential estate agency work.

Please note that approval of redress scheme operators for residential letting agency and property management complaints in England is the responsibility of the Department of Levelling Up, Housing, and Communities (DLUHC).

¹ Para 9. Schedule 3. Estate Agents Act 1979.

² Para 13. Schedule 3. Estate Agents Act 1979.