

POSITION PAPER

# Property agents: the case for regulation



Regulation offers the potential to professionalise the industry, stamp out bad practice, create transparency and give consumers more control over who manages their property.

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THE PROFESSIONAL BODY FOR THE PROPERTY SECTOR

# Introduction

Currently, estate agents do not need to be licensed or qualified. In Scotland, a solicitor will manage much of the property sale. However, in England, Wales and Northern Ireland, unless the estate agent is a qualified chartered surveyor, they will liaise with other professional parties.

There is currently no overarching statutory regulation of private sector letting or managing agents in England, although they are subject to consumer protection law and specific provisions in relation to the charging of fees and membership of redress schemes.

The private rented sector is the second largest tenure in England behind owner occupation, which equates to 4.6 million or 19% of households. The growth of the sector has prompted an increased focus on management standards and on the activities of letting and managing agents.

Professional bodies play a vital role in providing qualifications and ensuring compliance with rules and regulations, as well as taking action to drive up standards across the property sector. However, recent legislation for leasehold reform and building safety is complex and needs to be accompanied by an overarching regulation that supports and promotes qualified, competent and professional property agents.

## KEY RECOMMENDATION

**Regulation should introduce minimum qualification requirements and a statutory Code of Practices to be adhered to by all letting and managing agents in England and sales agents across the UK, including:**

- **An overarching body that works with professional bodies, enforcement agents and approved schemes to enforce compliance, improve standards and have the power to expel agents from working.**
- **A Code of Practice that can be used across the industry and by the government-approved redress schemes to adjudicate against complaints and help drive up standards.**
- **Training and qualification requirements that must be met to ensure acceptance onto the mandatory register of letting and property agents.**
- **Mandatory Continued Professional Development requirements supported by membership of a professional body.**
- **Successful registration indicates that an applicant is a fit and proper person to carry out letting and property agency work. It will be a criminal offence for any property agent who is not on the register to operate.**

# The road to regulation

In October 2018, the then UK Housing Minister, Heather Wheeler, announced that a new working group called Regulation of Property Agents (RoPA) would be set up and tasked with advising the UK Government on a new regulatory framework for letting and managing agents in England and estate agents across the UK.

The measures were in line with the UK Government's responses to its calls for evidence on 'Protecting consumers in the letting and managing agent market'<sup>1</sup> and 'Improving the home buying and selling process'.<sup>2</sup>

## WHO WILL IT IMPACT?

The recommendations in the Final Report are of relevance to the whole of the UK. Lettings and managing agents' powers are devolved, but estate agency powers are reserved.

## Numbers of property agents across the UK

### ESTATE AGENTS

Sell property, usually chosen by and paid for by the seller of the property, by marketing it to potential buyers.

Estate agents across the UK are legally required to register with HMRC for anti-money laundering supervision. The total size of the population supervised by HMRC is 15,234 estate agency businesses.<sup>3</sup>

### LETTING AGENTS

Letting agents arrange the renting of a property on behalf of the property's owner, usually chosen by and paid for by the property owner, and market it to potential tenants.

Sometimes, letting agents also manage the individual property for the owner, acting between the tenant and landlord for the duration of the contract.

There are an estimated 22,900 letting agents and 2.3 million landlords in England, with 64% of landlords using a letting agent.<sup>4</sup>

### MANAGING AGENTS

Act as the manager of communal facilities of a residential block, usually leasehold or share of freehold, on behalf of the freeholder.

There are an estimated 840 managing agent companies in England and Wales.<sup>5</sup>

# Current state of play

## SALES AGENTS

Currently, estate agents are not required by law to be licensed or qualified. In Scotland, a solicitor will manage much of the property sale. However, in England, Wales and Northern Ireland, unless the estate agent is a qualified chartered surveyor, he/she will liaise with other professional parties.

Estate agents across the UK are principally regulated by the Estate Agents Act 1979 and the Consumer Protection from Unfair Trading Regulations 2008.

In addition, since 1 October 2008, all estate agents in the UK who engage in residential estate agency work are required to belong to an approved redress scheme under the Consumers, Estate Agents and Redress Act 2007.

## LETTING AGENTS

There is currently no overarching statutory regulation of private sector letting agents in England, nor is there any legal requirement for them to belong to a trade association.

Scotland has introduced a qualification and registration scheme for letting agents. Wales requires agents to be trained and licensed and there is no comprehensive regulation of letting agents in England.

In January 2017, the Department for Communities announced an intention to “Introduce a regulatory framework for all letting agents, including bringing forward legislation to ban letting agent fees.”

In June 2024, the Department for Communities, alongside the Chartered Institute of Housing, published a report on the Regulation of letting agents and letting agent fees in Northern Ireland.<sup>6</sup>

## MANAGING AGENTS

There is currently no overarching statutory regulation of managing agents in England, nor is there any legal requirement for them to belong to a trade association.

Despite the Building Safety Act placing a huge focus on building and fire safety in multi-occupied buildings, there are no qualifications or ongoing training requirements for managing agents.

Between July and September 2025, the UK Government consulted on Strengthening leaseholder protections over charges and services, which included proposals for new qualification and regulatory requirements for Managing Agents in England.

### USING POWERS IN THE ESTATE AGENTS ACT 1979

Section 22 of the Estate Agents Act gives power, which have never been used, to the Secretary of State to introduce ‘Standards of competence’ and prescribe professional or academic qualifications as well as designate an organisation as a body which may itself specify professional qualifications.<sup>7</sup>

# Why regulation is important

## IMPROVE QUALITY OF SERVICE FOR CONSUMERS

Anyone can operate as a sales, letting or managing agent, regardless of qualifications, background, skills or experience. This can result in variable service levels for tenants, landlords, leaseholders, homebuyers and sellers, including general bad practice, lack of financial protection and no effective way to resolve complaints.



**'The Government has been sitting on its hands for four years by not acting on the report of the Working Group it set up. In the meantime, the impact of poor regulation is being felt by tenants and leaseholders, and the sector has been left in limbo.'**<sup>8</sup>

**Baroness Taylor of Bolton, Chair of the House of Lords Industry and Regulators Committee (March 2024).**

## INTRODUCE MINIMUM OPERATING REQUIREMENTS AND ENHANCE SECTOR INTEGRITY

There are no minimum standards to work in the property sector, and there are no statutory rules to ensure property agents are suitably qualified. Additionally, agents who are not members of a professional body do not have to meet minimum competency standards.

**CEPI, the European Association of Real Estate Professionals of which Propertymark is a member, launched a report in 2021 on the Regulatory requirements of Real Estate Professions across Europe.**

**The report highlights that of the 25 national regulations of real estate agents, only seven countries, including the UK, have no elements of state regulation and nine countries, again including the UK, have no educational entry requirements to work in the sector**<sup>9</sup>

## GREATER ENFORCEMENT

A regulator would provide greater consistency in the qualifications of property agents and of enforcement against them as well support local authorities or Trading Standards teams across the country with specialist people, training and the right intelligence.

**In May 2024, it was reported that only 49 individuals and companies are on the UK Government's Database of Rogue Landlords and Property Agents that was introduced in April 2018.**<sup>10</sup>

**Under the Banning Order List enforced by the National Trading Standards Estate and Letting Agency Team only 300 Warning or Prohibition Notices have been issued to estate agents since 1983 which equates to about 7 Notices a year.**<sup>11</sup>



## PROTECTIONS FOR CONSUMERS

Since 2014, property agents have been required to be a member of a redress scheme approved by the UK Government. Currently, two redress schemes have been approved for this purpose: The Property Ombudsman and the Property Redress Scheme.

Redress schemes provide alternative dispute resolution to the courts for tenants and agents and can take on individual complaints on behalf of consumers.

**The redress schemes can order agents to pay financial awards where they have harmed consumers, but the value of these awards cannot exceed the individual harm done. Furthermore, the redress schemes are limited by only acting where individual cases are brought by consumers, and they cannot mandate that agents be qualified or adhere to a code of practice.**

## REDUCE THE RISK OF ECONOMIC CRIME IN THE PROPERTY SECTOR

Property agents, auctioneers and high value dealers are all attractive targets for those looking to launder money. Both small and large agencies are susceptible to criminal activity. The London property market and the wider UK housing market are highly attractive options and are both affected by financial crime.

While the property sector remains largely unregulated, and without minimum standards to operate, the industry is vulnerable to attack.

**Transparency International UK has been collating information on questionable funds from around the world being invested in UK property since 2016. This figure now stands at £6.7 billion (Feb 2022).<sup>12</sup>**



YouGov research conducted on behalf of Propertymark in January 2025 with 1012 consumers involved in property transactions in the last 12 months, showed the largest proportion (55%) chose a local property agent for advice and 60% said the most important qualities were holding a regulated qualification and belonging to a professional body.

## PARITY IS NEEDED WITH THE SOCIAL RENTED SECTOR

On 23 February 2023, it was announced by the UK Government that property managers in the social rented sector must gain professional qualifications under new rules to protect residents and raise standards in the sector. All tenants regardless of housing tenure should receive high levels of service from a qualified professional.<sup>13</sup>



**'Managing agents play a key role in the maintenance of multi-occupancy buildings and freehold estates, and their importance will only increase as we transition toward a commonhold future and so we are looking again at Lord Best's 2019 report on regulating the property agent sector, particularly in light of the recommendations in the final Grenfell Inquiry report.'**

**Minister of State for Housing and Planning,  
Matthew Pennycook MP (Nov 2024)**

# Case studies



## ROGUE LETTING AGENTS HANDED PRISON SENTENCES

In March 2025, five individuals were hit with a range of sentences following their convictions for a total of 15 offences.<sup>14</sup>

The sentencing followed an extensive investigation into rogue letting agents by Tower Hamlets Council's trading standards officers. The letting agents particularly targeted young people and newcomers to the UK, including workers and students, who had recently arrived in London and were unaccustomed to the UK lettings market.

The letting agents relied on a variety of unfair and illegal letting practices, including failing to securely protect or refusing to return tenants' deposits, placing misleading advertisements on platforms such as Spare room, and issuing licenses to occupy instead of assured shorthold tenancy agreements in an effort to deny tenants their legal rights, such as protection from eviction without a court order.



## INTEGRAL CONCIERGE SERVICES LIMITED

The Office of Financial Sanctions Implementations (OFSI) report published in April found that it is "almost certain" that UK property management firms have enabled Russian Designated Persons to breach sanctions.<sup>15</sup>

On 29 August 2024, OFSI imposed a monetary penalty of £15,000 in accordance with section 146 of the Policing and Crime Act 2017 against a UK-registered company, Integral Concierge Services Limited (ICSL), for breaches of the Russia (Sanctions) (EU Exit) Regulations 2019 (the Russia Regulations). The penalty related to 26 payments made or received by ICSL in 2022 and 2023 in connection with property management services it provided to a Russian DP for a UK residential property.



## PROSPECTIVE TENANTS LOSE £13,000 IN A FAKE AGENT SCAM

In September 2023, fraudsters operating under a name of a legitimate agency held two days of viewings. However, it later turned out that the flat shown had been booked through online travel agency Booking.com, which is how the fraudsters got the keys.<sup>16</sup>

After looking around the property, the prospective tenants were sent what they say was a legitimate-looking contract and an invoice. They later discovered the scammers had used the property owner's real name in the documents. The scammers also used a legitimate real estate agency's company registration number on their invoice.

As the prospective tenants did not have guarantors, they had to pay six months of rent in advance, along with a deposit worth five weeks' rent. Shortly after transferring the money to a bank account, they received an email from OpenRent saying they had removed the advert due to suspicions of fraud.

The prospective tenants reached out to the agent, who was still responsive and agreed to meet up to give them the keys. But no-one showed up.



## ROGUE ESTATE AGENT 'LEFT ME IN LIMBO'

In March 2020, Su Francis, 65, from Buckinghamshire was visited by a so-called quick sale estate agent who pressured her into signing a contract. However, the full details of the contract were only revealed a couple of days later during a phone call from its office.<sup>17</sup>

She said: "They were quite hard about (me) signing up. Subsequently I found out I was signed up to them for a year." And "They provided no service whatsoever, they provided no viewings, nobody came to see it (the house) and when I phoned them it was just recorded messages. "It's also left me quite worried about who I should take on and whether or not I can trust people.

Ms Francis added: "It's left me in limbo because I haven't been able to sell my house. As far as the financial implications, until I can sell my house, it's impossible for me to plan for my financial future."



## ADVICE, GUIDANCE AND SIGNPOSTING INCREASED BY 29% IN 2024

In 2024, the TPO received 73,035 total contacts which is an increase of 27% and 5,863 cases which is an increase of 4%.<sup>19</sup>

Top three lettings complaints (Lettings disputes):

1. Management
2. Instructions, terms of business, etc
3. Duty of care and conflict of interest

Top three sales complaints (Sales disputes):

1. Instructions, terms of business, etc
2. In house complaints handling
3. Marketing and advertising

Top three property Residential leasehold management: (leaseholder issues):

1. Communication
2. Complaints handling and disputes
3. Maintenance



## COMPLAINTS AGAINST PROPERTY AGENTS UP BY 20% IN 2024

The Property Redress Scheme's annual report for 2024 shows that they investigated 15% more cases than 2023.<sup>18</sup>

Top three lettings complaints:

1. Poor service and management
2. Holding deposits
3. Tenancy payments and rent collection

Top three sales complaints:

1. Duty of care including poor service and misleading information
2. Instructions, terms of business, commissions
3. Marketing and advertising

Top three property management complaints:

1. Poor management service
2. Maintenance
3. Provision of relevant documents



## ROGUE AGENCY EXPELLED FROM OMBUDSMAN BUT STILL TRADING ILLEGALLY

In August 2023, Hawks Properties Limited, trading from an address in East London, were expelled from The Property Ombudsman for failing to pay compensation of £10,264.50 to a landlord following a formal complaint investigation.<sup>20</sup>

Despite an inactive website, TPO has been informed that the company appears to still be trading illegally, offering properties to let. As part of TPO's compliance process, notification of this expulsion has been shared with all relevant bodies, including both Local and National Trading Standards for further investigation, as well as all property portals.

The memorandum of understanding between TPO and the Property Redress Scheme prevents agents from registering with the other scheme until outstanding awards have been paid to consumers.



# Benefits of regulation

## SPOTLIGHT: LETTING AGENT REGULATION IN SCOTLAND

In 2014, legislation was passed making provisions for the regulation of letting agents in Scotland. This means that if you are carrying out letting agency work on any properties in Scotland, you need to meet the minimum training standards and join the Scottish Letting Agent Register to trade legally.

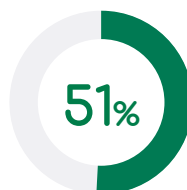
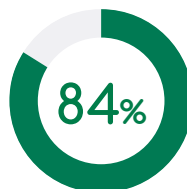
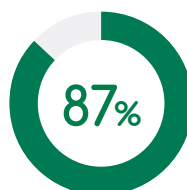
The aim of the Scottish Government's agent regulation is to ensure that every agent involved in lettings has the right skills to do the job and meets minimum training standards.

The Scottish Government, through letting agent regulation, has introduced obligations for individuals employed in the industry, along with wider obligations for agencies. All agencies will need to ensure that relevant staff are qualified and that staff understand and follow the Code of Practice.

The framework for regulation introduced a new way for tenants and landlords to resolve complaints against letting agents for breaches of the statutory code of practice through a new specialist First-tier Tribunal for Scotland (Housing and Property Chamber).

## KEY STATISTICS

A recent report into letting agent qualifications and CPD highlights the importance that professional qualifications are playing in driving up standards across the private rented sector in Scotland:



## ANALYSIS

Importantly, the Scottish Government recognised that it is essential that all letting agents are professionals offering high standards of service. Completing the right qualification drives the credibility of the sector and equips agents with the tools to meet the challenges ahead which is why the Scottish Government required individuals involved in letting agency work to have achieved an SCQF Level 6 or above qualification.

Nonetheless, the Scottish Government have created an administrative registration process which effectively duplicates the work already done by the professional bodies. Whilst the Scottish model of agent regulation reflects existing good practice in the industry and is the most sensible form of agent regulation that we have seen, there can be further improvements made to reduce bureaucracy and ensure robust consumer protection, whilst simultaneously repurposing resources from administration to enforcement.

# Regulation of letting agents in Wales

## SPOTLIGHT: RENT SMART WALES

In November 2015, Rent Smart Wales introduced a legal requirement for all landlords with property in Wales to register themselves and their rental property address(es).

## REQUIREMENTS

Landlords must be licensed to carry out lettings or property management activities or arrange for a licensed agent to undertake these activities on their behalf. Agents outside of Wales who carry out letting and management work at a rental property in Wales are also legally required to be licensed.

Agents must undertake approved training to obtain a licence. Rent Smart Wales replaced the existing voluntary Landlord Accreditation Wales Scheme, and Cardiff Council were designated as the single licensing authority to administer the scheme for the whole of Wales.

To obtain a licence under Rent Smart Wales the applicant must be 'fit and proper', have undertaken approved training and paid a fee. The licence holder must comply with the Welsh Government's Code of Practice. Letting agents must also have Professional Indemnity Insurance, Client Money Protection and be a member of a redress scheme.

## ANALYSIS

Minimum standards are very low. We do not believe a one-day training course is suitable or sufficient for an agent potentially managing hundreds of properties and holding hundreds of thousands of pounds in client funds.

In addition, Rent Smart Wales' deadlines for implementation were too tight. Landlords and agents were having to get registered, trained and licensed at the same time. As a result, landlords wishing to pass their properties to a licensed agent (because they did not want to undertake training themselves) had great difficulty, because agents could not obtain their licenses until they were trained.

The Welsh Government should have licensed agents first and then required landlords to either get trained or use an already licensed agent (so that landlords could then find licensed agents through the Rent Smart Wales database).

# Comparison of letting agent regulation and mandatory requirements

Scotland	Wales	England	N. Ireland
Qualification requirement	One-day training course requirement	X	X
Sole trader: qualification requirement plus every person directly concerned with managing and supervising the day-to-day running of your letting agency work.  Company, partnership or other body – the person holding the most senior position in the organisation's management structure (unless they are not involved in the day-to-day running of letting agency work) / every person directly concerned with managing and supervising the day-to-day running of the organisation's letting agency work.	In Wales, an agent could be an individual or organisation, a spouse, a family member or friend of the landlord or a commercial agent.	X	X
Join the Scottish Government's Register of Letting Agents (every three years).	Agent licence is valid for five years from the date of issue.	X	X
The fee for registering depends on the number of offices where letting agency work is carried out.	Agent fees are graduated to reflect the portfolio size. A discount also applies if an Agent is a member of a recognised professional body.	X	X
Pass a 'fit and proper person test'.	Pass a 'fit and proper person test'.	X	X
Comply with a Letting Agent Code of Practice.	Comply with the Code of Practice for landlords and letting agents	X	X
Required to complete 20 hours of continued professional development (CPD) every three years.	Agents must achieve 80 points. CPD courses are each weighted differently depending on whether they are a mandatory (core) or supplementary course (of the applicant's choice) CPD must be completed over the five-year duration of an existing licence.	X	X
Professional indemnity insurance.	Professional indemnity insurance.	X	X
Client Money Protection.	Client Money Protection.	Client Money Protection.	X
Landlords register with the Local Authority (renew every three years)	Landlords register with Rent Smart Wales and must register the address of each of their rental properties in Wales (renew every five years).	X	All landlords who let properties under a private tenancy in Northern Ireland must register (renew every three years).

# Property agent regulation: International comparisons



## UNITED STATES OF AMERICA

To become a real estate agent in most states across the USA, there's an age requirement, background check, and a set number of hours of classroom education.

### Qualification and training

Must complete a pre-licensing course. Course requirements vary by state. In California, applicants must take three real estate classes totalling 135 hours. In New York, the courses take 77 hours. In Georgia, they take 75 hours. And in Florida, the course takes 63 hours.

### Licensing exam

Exams vary by state and agents require a licence to operate. Each state has a regulatory organisation which administers licenses.

Individuals must operate under a supervising broker who is licensed by the state to oversee real estate transactions and ensure that they follow the required legal and ethical standards.

The term "Realtor" refers to members of the National Association of Realtors (NAR) who subscribe to its strict Code of Ethics. Membership is not mandatory.

Leasing agents (dealing with rental properties) don't need a license in some states. But real estate agents are always required to carry a real estate license.<sup>22</sup>



## CANADA

Must be at least 18 years old, have graduated from school, be a Canadian citizen and have passed a criminal record check.

Must complete a pre-licensing course. Each Canadian province administers their own certification courses through sanctioned real estate councils or association boards.

Must complete a licensing exam (specialising in residential, commercial and/or rural). Continuing education is also required in many provinces and territories (and available in others) so real estate professionals stay up to date on current issues.

Must have errors and omissions insurance from your province's real estate association. Each province has a different association.

Must act under the supervision of a licensed real estate broker.

REALTOR® isn't a job title. To become one, you must be a licensed real estate professional who is a member of the Canadian Real Estate Association (CREA).<sup>23</sup>





## AUSTRALIA

Must complete a state license exam and fill out the appropriate application to become a real estate agent in Australia.

Different states have different application and license requirements. Some states require different qualifications for property management and sales. The average length of courses is one year full-time.

Usually must start working as an assistant agent or under an existing agency. Most states require at least 12 months of experience and further qualifications to become an independent sales representative and obtain a license.



## NEW ZEALAND

Must be at least 18 years old and must be a “fit and proper person” – no outstanding criminal convictions, no previous convictions for crimes involving dishonesty, no significant financial issues such as bankruptcy, and no disciplinary action taken against them by a regulatory or professional body.

Three types of licenses:

- Salesperson: can work for or on behalf of a licensed agent. Must be supervised.
- Branch Manager: can work for or on behalf of a licensed agent and can supervise salespeople.
- Agent: can work independently and can employ salespeople.

Must have completed the relevant course for the type of work, i.e. to be a salesperson, a branch manager or an agent.

Must have three years of sales experience to become a branch manager or an agent.<sup>24</sup>

# Regulation of Property Agents (RoPA) Working Group report

On 18 July 2019, RoPA set out recommendations for a new regulatory framework focused on estate agents in the UK and letting and managing agents in England. The UK Government are yet to respond to the recommendations.

The proposals included ensuring everyone in the industry is licensed, adheres to a strict code of practice, and holds (at least) a Level 3 qualification.<sup>25</sup>

The measures were in line with the UK Government's responses to its calls for evidence on 'Protecting consumers in the letting and managing agent market'<sup>26</sup> and 'Improving the home buying and selling process'.<sup>27</sup>

## REPORT SUMMARY

RoPA

### What should Regulation look like?

- Independent Regulator
- Mandatory qualifications
- Code of practice

**NB:** The new proposed regulatory framework should cover estate agents across the UK and letting and managing agents in England.<sup>28</sup>

## REPORT SUMMARY

RoPA

**To get a licence to operate from the Regulator agents must:**

- Meet legal obligations (e.g. redress, CMP, AML)
- Pass a fit and proper person test
- Be appropriately qualified

**NB:** This could include designated professional bodies carrying out some of these functions.

**The code of practice will include:**

- Overarching code set in statute
- Regulatory codes specific to different aspects of property agency
- Mandatory qualifications (Licensed agents (individuals) should qualify to a minimum level 3, Company directors and Managing Agents are qualified to a minimum of level 4)
- Regulator to impose Continuing Professional Development (CPD) requirements
- Experience alone is not enough
- A phasing-in approach will be necessary

**NB:** To clarify the functions of a property agent, the UK Government should create a list of 'reserved activities', e.g. conducting viewings, market appraisals, and providing direct advice.



## REPORT SUMMARY

RoPA

### **Leasehold and freehold charges.**

### **Greater powers for the Regulator to enforce compliance against managing agents.**

### **Who will be the Regulator?**

- **A new public body should be established to undertake this role**
- **Funded by firms and individuals it regulates**
- **Could extend to other areas in the future, e.g. landlords and the build-to-rent sector**
- **Take over responsibility for the approval of property agent redress schemes**

The working group explored a variety of models of regulation, considering the wider context of different professional infrastructure and the financial and emotional consequences of bad practice within the industry.

## MEMBERSHIP OF THE ROPA WORKING GROUP INCLUDED:



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