

1. The Panel notes that your business is a member of the Jersey Estate Agents Association, and as such a member of the UK Propertymark and the Property Ombudsmen schemes. Do you feel that membership of these schemes by Jersey estate agents would be enhanced if there was also estate-agent specific legislation in Jersey?

I would welcome any advancement in Jersey regarding estate agent specific legislation. At present there really are no barriers to entry within the industry, other than the JFSC requirements to be registered as a Schedule 2 business, for the purposes of AML & CFT. The existence of so many estate agencies within an Island of approximately 35,000 residential properties is testament to this fact.

As probably the largest purchase / investment in the average person's lifetime, I believe the consumer should be given far more legislative protection when buying a home. In my opinion this legislation should be extended to include the mortgage industry as well as the residential estate agency industry.

Jersey is years behind other jurisdictions, especially the UK. Such legislation and regulation has been muted for years in Jersey, unfortunately to no avail. The cynic in me sees a further round of political interest, however, no real expectation of progress.

2. In the absence of estate-agent specific legislation, to what extent do you think that it is problematic for buyers and sellers in Jersey, that estate agents are not required to attain membership of a professional body or adhere to a code of conduct?

The value of attaining membership of a professional body, or adhering to a code of conduct is better than nothing, however, it can only be of value in terms of consumer protection if the member is regularly assessed regarding their conformity and compliance. In my experience this doesn't happen in practice in Jersey. Even if it did, at present, the penalty would likely be no more than expulsion from the professional body, leaving the agent in no different a position to those that had voluntarily chosen not to be a member anyway.

I do not believe there is a major issue in the industry that is problematic to buyers and sellers in Jersey, however, there are definitely instances and examples of bad practice that are detrimental to sellers and fellow agents. The introduction of legislation and regulation would ideally eradicate these bad practices. This proved successful in the IFA / investment industry in Jersey when regulation was introduced in the late 1990s, albeit somewhat later than the UK introduction.

Most estate agencies enter into a contract with the seller and it is to them that they owe a duty of care. The conveyancing law of caveat emptor (let the buyer beware) generally dictates the buying process and the need for good legal representation.

3. A 2019 Report produced by the UK Regulation of Property Agents: Working Group, concluded that *“Regulation will provide the opportunity to prevent bad practice and drive cultural change within the industry”*. Do you believe that this statement could also apply to estate agents in Jersey?

I wholeheartedly agree with this statement. For me the important aspects include:-

- Regulating all residential estate agencies.
- Educating the public in order to increase knowledge of good practice versus bad practice.
- Giving the regulator sanctioning powers from day 1.

4. Do you believe that the experience of transacting property in Jersey would improve if all staff working for an estate agent, were required to be appropriately qualified?

I would agree with this statement if it read ‘all **client facing staff** working for an estate agent’. Whilst it would be good to encourage all staff to be qualified, for me, the model should follow that for independent financial advisers (IFAs), whereby the person offering the advice and conducting the regulated sale needs to be qualified to an appropriate level, and then listed as a qualified member of staff for the organisation they represent on a publicly available website (e.g. JFSC).

In the same way as with the introduction of regulation of the IFA industry I would expect there to be a reasonable transition period to allow for all non-qualified individuals to become qualified to the designated standard.

5. Overall, do you think that estate agents in Jersey should be regulated and/or required to adhere to a standard of Code of Practice?
Yes, 100%.