

## Estate Agents Ordinance (SFS 1995:1028)

(with amendments up to and including SFS 2006:1268)

### *Application for registration*

**Section 1.** Whosoever wishes to be registered as an estate agent shall make written application to this end to the Board of Supervision of Estate Agents.

The application shall contain particulars of the applicant's name, national registration number, address and telephone number and also, where relevant, the corporate name under which the applicant proposes to conduct his business.

The application shall make clear whether registration is required for the mediation of all objects of mediation enumerated in Section 1 of the Estate Agents Act (1995:400), full registration, or for mediation of tenancies only, registration for tenancy agents.

If the applicant is to engage in mediation activity as an employee, the name, address and telephone number of the employer shall be given. If the employer is a legal person, the corporate registration number shall also be given.

**Section 2.** The following shall be appended to the application:

1. certification that the applicant is not a minor,
2. certification that the applicant is not bankrupt and does not have an administrator as provided in Chap. 11, Section 7 of the Children and Parents Code,
3. certification that the applicant is not subject to a business prohibition,
4. certification that the applicant is insured for liability in damages which he may incur if he neglects his duties as referred to in Section 6 (1), paragraph 2 of the Estate Agents Act (1995:400), and,
5. certification that the applicant has adequate education as referred to in Section 6 (1), paragraph 3 of the Estate Agents Act.,

Further provisions concerning certificates as referred to in Subsection 1 are issued by the Board of Supervision of Estate Agents.

### *Charges*

**Section 3.** A charge as provided in Sections 9-14 of the Official Charges Ordinance (1992:191) is made for examining an application as referred to in Section 1, for which purpose official charge class 4 shall apply.

**Section 4.** Whosoever is registered as an estate agent shall, with effect from the calendar year following the year of registration, pay an annual charge of SEK 2,500.

The Board of Supervision of Estate Agents may issue further provisions concerning the time when the charge is payable.

### *Information*

**Section 5.** An estate agent discontinuing his activity shall notify the Board of Supervision of Estate Agents to this effect. The same applies concerning any change of circumstances notifiable under Sections 1 and 2.

**Section 6.** An authority finding cause to caution an estate agent or to revoke the

estate agent's registration shall notify the Board of Supervision of Estate Agents to this effect.

**Section 7.** If the Board of Supervision of Estate Agents has reason to suppose that a person is professionally mediating real property contrary to the provision made in Section 5 of the Estate Agents Act (1995:400), the Board shall notify a public prosecutor to this effect.

**Section 8.** The Board of Supervision of Estate Agents shall, on being requested to do so, issue certification showing that an estate agent's registration has not been cancelled or that the estate agent has not been cautioned.

#### *Education*

**Section 9.** The education referred to in Section 6 (1), paragraph 3 of the Estate Agents Act (1995:400) shall comprise estate agency, civil law including real property law, taxation law, economics and construction and valuation techniques.

The aforesaid does not apply to estate agents exclusively mediating tenancies. In their case the education referred to in Section 6 (1), paragraph 3 of the Estate Agents Act shall comprise supervised work experience with a registered estate agent engaging in the mediation of housing tenancies.

The Board of Supervision of Estate Agents may grant exemption from the provisions of Subsections 1 and 2 in particular cases.

The Board of Supervision of Estate Agents may issue further provisions concerning the content and scope of the education.

**Section 10.** A citizen of an EEA state or Switzerland applying for full registration shall be deemed to meet the requirement of adequate education in Section 6 (1), paragraph 3 of the Estate Agents Act (1995:400) if the applicant

1. holds a diploma required in an EEA state or Switzerland for admission to and practice of the estate agent's profession there and the diploma has been issued in such a state,

2. has practised the estate agent's profession full time for at least two years during the past ten years or part time for the correspondingly greater length of time in an EEA state or Switzerland where the profession is not regulated, and can produce a certificate showing the applicant to have undergone at least one year's post-secondary education in an EEA state or Switzerland which has prepared him or her for practising the profession, or

3. can produce a certificate showing the applicant to have completed a regulated post-secondary estate agent education programme of at least one year's duration in an EEA state or Switzerland.

**Section 10 a.** A citizen of an EEA state or Switzerland applying for registration for tenancy agents shall be deemed to meet the requirement of adequate education in Section 6 (1), paragraph 3 of the Estate Agents Act (1995:400) if the applicant

1. holds a diploma required in an EEA state or Switzerland for admission to and practice of the tenancy agent's profession there and the diploma has been issued in such a state, or

2. can otherwise establish tenancy agent qualifications acquired in an EEA state or Switzerland.

**Section 10 b.** Even if the applicant meets the requirement of adequate education as stated in Section 10, the Board of Supervision of Estate Agents may still require the applicant to undergo a suitability test if the content of the applicant's education differs significantly from the education required in Sweden and if the applicant has not acquired the requisite knowledge through practice of the profession.

The Board of Supervision of Estate Agents may issue provisions concerning the content and scope of the suitability test.

**Section 10 c.** The Board of Supervision of Estate Agents may issue provisions concerning the documents, certificates and suchlike documents to be appended by the applicant to a registration application based on recognition of foreign professional qualifications pursuant to Sections 10 and 10 a.

### *Insurance*

**Section 11.** Insurance as referred to in Section 6 (1), paragraph 2 of the Estate Agents Act (1995:400) shall be contracted with an insurer having permission to carry on insurance business in a country within the European Economic Area or a country which is a member of the Organisation for Economic Co-operation and Development (OECD). The Board of Supervision of Estate Agents may in particular cases permit the insurance to be contracted with another insurer if the latter is subject to requirements of soundness, solvency and supervision corresponding to those applying to Swedish insurance companies.

The terms of insurance shall provide that

1. the insurance covers liability in damages of up to SEK 1,500,000 per claim for estate agents mediating all mediation objects enumerated in Section 1 of the Estate Agents Act (1995:400) and up to SEK 150,000 for estate agents mediating tenancies only,
2. the insurance coverage applies to damage caused while the insurance was in force,
3. the compensation will be paid to the injured party, with no deduction for excess,
4. the insurance coverage can end one month at the earliest after the Board of Supervision of Estate Agents has been notified of its termination, and
5. the insurance coverage is otherwise satisfactory in those respects material to the rights of the injured party.

Exceptions to Subsection 2, paragraph 2 may be sanctioned by the Board of Supervision of Estate Agents if adequate protection can be achieved by other means.