

Primary Authority Partnership**Warwickshire County Council Trading Standards**

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Primary Authority Advice Reference WTS/PM/TPO/16

This Primary Authority Advice has been produced by Warwickshire County Council Trading Standards Service, in partnership with The Property Ombudsman and Propertymark, for use by member businesses as an aid to complying with the law. If you follow this advice correctly, your local Trading Standards Service should respect this and not ask you to comply with the law in a different way. If you are contacted by a local authority enforcement body, please inform them that you are a member of the scheme.

Advice requested:

1. Does an agent have to notify a consumer of any pre-emption agreements that will be applied on the sale of the property?
2. Should an agent disclose whether a property has internet connectivity (broadband or dial up) to potential purchasers?

Legislation considered:

Consumer Protection from Unfair Trading Regulations 2008 (as amended) ("CPRs")

Landlord and Tenant Act 1987 (References to this legislation should be considered outside the ambit of Assured Advice).

Other Material considered:

National Trading Standards Estate and Letting Agency Team Guidance on Property Sales and Lettings, September 2015, Reviewed August 2020 ("*NTS Guidance*")

Assured Advice Issued:

In preparing this assured advice, we have answered each question in turn:

1) There are various instances in which an option to buy, pre-emption agreement clause can exist on land. One example is the tenants' right of first refusal under the Landlord and Tenant Act 1987, but there are others. When a property is being marketed subject to a right of pre-emption or first refusal, we would consider that this would constitute material information for the purposes of the Consumer Protection from Unfair Trading Regulations 2008 (as amended).

Therefore, we would suggest that where an agent is aware of any such rights relating to a property he is marketing, this would constitute material information and be disclosed to any potential purchaser.

2) It is commonplace that the vast majority of residential properties on the market will have a level of internet connectivity, although speeds may vary widely. There will remain some remote communities where there is no internet connectivity at the property. This information will be material to potential purchasers.

In a similar way to other utilities servicing the property we would expect an agent to indicate if the property has internet connectivity and whether this is a 'broadband' or 'dial up' connection.

Date Advice is Effective from (issue date): 13 11 2017

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Next Review Date: 30 12 2021

Primary Authority: Warwickshire County Council Trading Standards Service

Co-ordinators: The Property Ombudsman and Propertymark

Supporting Regulator: Not applicable

For Publication on the Primary Authority Register: Yes

Geographic Applicability: This advice applies throughout the United Kingdom.

Scope: This advice is applicable to all member businesses.

How to obtain up to date copies of this advice: Current copies of this advice may be obtained via the member organisations' websites:

www.tpos.co.uk/members/assured-advice/assured-advice-information

and

www.propertymark.co.uk/working-in-the-industry/primary-authority-advice/.