

Ministry of Housing, Communities and Local Government

Consultation on Material Information in Property Listings

Response from Propertymark

December 2025

Background

1. Propertymark is the UK's leading professional body of property agents, with over 19,000 members representing over 12,500 branches. We are member-led with a Board which is made up of practicing agents, and we work closely with our members to set professional standards through regulation, accredited and recognised qualifications, an industry-leading training programme and mandatory Continuing Professional Development¹.

Call for Evidence – overview

2. The Ministry of Housing, Communities and Local Government's (MHCLG) proposals to improve the home buying and selling process includes the need to provide more upfront information to potential buyers. It is understood that this would ensure buyers have all the information they need to make an informed decision, leading to fewer property sales falling through and greater confidence in the process. While material information requirements are driven by the Digital Markets Competition and Consumers Act 2024, currently there is no list of material information needed for property listings. This consultation seeks to understand what the challenges to providing material information are, with the aim of creating a definitive list of material information that is required for all property listings or that needs to be provided later on in the process.
3. This consultation sits alongside reforms to the Home Buying and Selling Process which Propertymark has also responded to.

Propertymark response – summary

4. Propertymark welcomes the opportunity to respond to MHCLG's consultation on Material Information in Property Listings. We agree with the assessment that the home buying and selling process is too slow, with our own research suggesting that the process has taken longer in recent

¹ <https://www.propertymark.co.uk/>

years². In April 2024, Propertymark produced a position paper on The Future of Home Buying and Selling³ which highlighted many of the challenges facing estate agents within the process and proposed several solutions, some of which have been proposed by the UK Government.

5. Given the potential impact the reforms will have on the sector, property agents and the country, Propertymark has engaged extensively with our members, with around 100 members attending roundtables in recent months to discuss the proposals. Furthermore, 145 Propertymark members responded to a survey we released on the consultation which all fed into our position on the consultation as we ultimately represent our members' views.
6. Overall, our response to the consultation can be summarised by the following five challenges and solutions:
 - **Firstly, a lot of the information requires expertise that sellers and estate agents do not have** – the current requirement for identifying material information places too high of a responsibility on estate agents and sellers. This will need to change so that all parties involved in a property transaction are instructed and included within the material information gathering process before the property is listed.
 - **Secondly, there is a considerable amount of duplication of information involved in the process** – all organisations involved that need information will be working towards their own regulated set of industry requirements which often overlap with each other. The new home buying and selling process must ensure that all parties are working towards filling in a single set of information with clear guidance on which areas each organisation is responsible for.
 - **Thirdly, the process in which material information is shared is outdated** – the new process should utilise modern ways of working, where information can be shared and edited in real time. We would recommend doing so through a single digital access point where information can be discussed by all parties working towards a single set of information.
 - **Fourthly, previous lists of material information and guidance set out to estate agents can overburden buyers** – buyers often look for very specific information that could prevent them

² <https://www.propertymark.co.uk/resource/spotlight-a-dickensian-legal-process.html>

³ <https://www.propertymark.co.uk/resource/the-future-of-home-buying-and-selling.html>

from purchasing the property. While a full list of material information should be compiled at the point of the property listing, a condensed list should be included within the property listing. The full list should be provided at the request of buyers, with opportunities for the estate agent to clarify what information means.

- **Fifthly, sellers aren't interested in waiting for material information to be collected** – in the current market, sellers wish to put the property on the market as quickly as possible. As a consequence, agents who are complying with material information requirements lose clients as sellers avoid agents who need to take the time to put material information on property listings. Furthermore, even in Northern Ireland where there is a joint approach to making the conveyancing process easier between The Law Society of Northern Ireland, the Royal Institution of Chartered Surveyors (NI) and Propertymark, a big hurdle is getting sellers solicitors to co-operate and supply the material information.⁴ They are reluctant to look at a file to confirm freehold or leasehold when a home isn't on the market yet which creates significant delay between stakeholders.

Consultation Questions

Question 1: Are you responding as an individual or organisation?

7. We are responding as an organisation.

Question 2: If responding as an individual - what is your name?

8. We are not responding as an individual, but any correspondence should be sent to the Propertymark Policy and Campaigns team via the email address policy@propertymark.co.uk

Question 3: If responding on behalf of an organisation - what is the name of your organisation and what is your role?

9. Our organisation is Propertymark. Our response has been written by the Policy and Campaigns Team who represent Propertymark's members' views and seeks to support them to understand legislative and other changes to the housing market.

⁴ <https://www.propertymark.co.uk/resource/ni-law-society-rics-agreement.html>

Question 4: What type of organisation are you responding on behalf of – estate agent, surveyor, conveyancer, professional body, developer, other?

10. We are responding on behalf of our members who, for the purposes of this consultation, are primarily residential estate agents.

Challenges in providing material information

Question 5: What do you think are the most significant issues that prevent estate agents from providing material information in property listings?

11. There are four significant issues that our member survey highlighted that over half respondents pointed to as the main challenges in meeting material information requirements:

- **Firstly, starting with the highest number of responses to our member survey at 66% of respondents, the joint-greatest challenge in ensuring sufficient material information was present in property listings comes from consumers.** Sellers can be reluctant to pay for a property survey or condition report. This makes it challenging for the agent to include information such as the “property construction”, “issues with the property” and “building safety defects” which are some of the most difficult sets of information to identify.
- **Secondly, 66% of members responding to our survey stated that the length of time it takes to obtain all the information from all parties involved was a barrier to providing material information in property listings.** The main factor leading to this is that currently there is an expectation that properties will be listed before all parties involved in the transaction will begin to work with the estate agent. This can lead to delays where conveyancers will not get involved to provide information such as rights and easements until the property is brought onto the market.
- **Thirdly, 56% of agents surveyed said that sellers are unable to or are not interested in finding the information that is needed for the property listing.** Many, particularly first-time sellers, are not aware of how the transaction works in practice and are not aware of the need to provide material information. Furthermore, sellers do not always have access to this information and when they seek to instruct their solicitor who can help, the solicitor does not wish to do so until the property is brought onto the market.

- **Fourthly, 51% of members cited that public bodies, such as HM Land Registry and local authorities may not always have up to date or incomplete information.** This makes it very difficult to provide this information on the listing as it could provide a false impression about the property.

Question 6: In addition to providing guidance, what other steps do you think government should take to support estate agents to meet their legal responsibilities with regard to material information? For example, this may include mandatory qualifications or training or providing standardised forms to support information gathering.

12. In addition to providing guidance, there are four steps that the UK Government can take to support estate agents meet their legal responsibilities with regard to material information:

- **Firstly, introduce a standardised home buying and selling process that all estate agents can adhere to.** Establishing a model process can better support a more consistent way that transactions will be carried out. This will improve consumers' expectations, but also other professionals involved so all parties can work together more easily and provide material information earlier on in the process.
- **Secondly, introduce a single digital access point that can facilitate the material information process.** The digital platform or portal would record and maintain material information of a property, with sections to complete that are linked to a particular professional, be that the estate agent, financial provider, surveyor or conveyancer. Multiple professionals working together in a single digital process has the benefit of facilitating greater collaboration, ensuring that information is matched to the most qualified organisation and avoids duplication where vendors are asked to fill in multiple forms that often ask similar questions about their property. Our member survey found that a digital platform or portal would be the most effective solution to mitigate challenges for estate agents to meet material information requirements, with over 73% members agreeing it would be effective.
- **Thirdly, embed material information requirements within the proposals for a Code of Practice and mandatory qualifications for estate agents.** This can help estate agents work better with their clients to ensure they are more willing to take the time to provide the

required information, drive up standards and set an approach that all estate agents can work to.

- **Fourthly, introduce the requirement for all estate agents to join a professional membership body.** Professional bodies can help enforce standards within their membership and ensure qualifications are being obtained. They can also support and administer ongoing training and Continued Professional Development. Measures that can support the UK Government to provide a structured approach to learning as well as helping to enhance skills and allow estate agents to stay current with industry trends and achieve professional goals to deliver high and consistent standards for consumers.

Question 7: What action would you like to see from other organisations or property professionals, and consumers, to support estate agents with their legal responsibilities regarding material information?

13. There are two main actions that would support estate agents to meet their legal responsibilities regarding material information:

- **The first, for other organisations, is to mandate that all parties need to be involved in the collection and verification of information before the property is listed.** This will help to bring properties onto the market quicker with more information that is agreed on by all professionals involved and the seller. When surveyed on this, 64% agents stated that cross-sector guidance that establishes the information that each organisation involved in the process needs, and when to provide it, would be effective. Additionally, having the information identified, verified and agreed on at the start of the process reduces the duplication of information gathering and reduces the likelihood that new information will be uncovered that delays the sale or causes a buyer to pull out. This can be achieved through the introduction of a new standardised process and a single digital access point. 67% surveyed agents supported the introduction of a single digital access point to achieve this.
- **The second action is that consumers would need to value the importance of material information more, to the point where they actively avoid estate agents that don't include material information in their listings.** Our survey suggested that 51% agents believed that UK Government guidance that sets clear expectations for consumers would be effective, with

62% recommending that the seller should be held legally responsible for providing material information alongside all parties involved in the process.

What should be considered material information

Question 8: What information categories do you think should be included in guidance as things that would likely be considered material information? The list below shows categories that we think may be considered material information, based on previous guidance and engagement with industry stakeholders:

- price
- council tax and domestic rates
- tenure, including time remaining on lease (if applicable)
- ground rent or service charges (if applicable)
- electricity supply
- water supply
- sewerage
- heating type
- broadband
- mobile signal and coverage
- property type (for example, terraced, detached)
- number and types of room
- parking
- accessibility and adaptations
- rights and easements
- flood risk
- property construction (for example, standard, thatched roof, prefabricated)
- issues with property (for example, damp, subsidence, asbestos, Japanese knotweed)
- building safety defects, including fire and structural risk modifications
- restrictions (for example, listed property, conservation area, restrictions on usage)
- coastal erosion
- planning permission
- coalfield or mining area
- any other category

14. We agree that the list provided should be considered material information, as long as it is understood that all professionals involved in the home buying and selling process should be responsible for providing it. However, within the list provided there are three key categories that require specialist technical knowledge to obtain the information, and four categories that consistently provide difficulty for agents to find information and can frustrate the process of a property being listed. Further engagement from the UK Government with the estate agency sector is needed to understand these categories and how the guidance can best support estate agents and consumers.

Three categories that require specialist technical knowledge:

- **Building safety defects, including fire and structural risk modifications** - this is because estate agents are not qualified building surveyors or fire safety experts.
- **Property construction (for example, standard, thatched roof, prefabricated)** - particularly where buildings are old and have building work from different eras such as a property built in 1930s with single skin bricks, but timber frame extension. It is very difficult for estate agents to determine construction type accurately when they are not trained, qualified or have expertise to do so.
- **Issues with property (for example, damp, subsidence, asbestos, Japanese knotweed)** – this is because many issues may not be visible during a standard viewing and typically require professional expertise to identify.

Four categories that consistently provide difficulty for agents to find information and can frustrate the process of a property being listed:

- **Restrictions (for example, listed property, conservation area, restrictions on usage)** - can often be difficult for estate agents to obtain all the correct information because we know from our member roundtables that Land Registry Title Plan for properties usually does not give enough detail. Furthermore, some covenants exist but are no longer effective, for example, estates where you can't keep a caravan or a van, but many people do and there is no recourse or issue.

- **Issues around easements and boundaries are difficult to obtain** - this is because they require access to specific documents such as official surveys and title deeds that aren't always available at the point of listing.
 - **Leasehold information including management fees, service charges and future works** - This is usually because the management company is remote or unresponsive to requests for information from estate agents. Even when information is supplied it is often wrong or out of date.
 - **There was a general view from our member roundtables that telephone signal and mobile phone coverage are difficult to determine** - this is because it is so variable and doesn't consider different networks, phones, and the possibility of satellite internet.
15. The UK Government must also recognise that the challenge with identifying what would be considered material information is that the information matters more for some consumers than it does for others. In the home buying and selling process, it should be the responsibility of the estate agent to identify what information is needed for buyers to be aware of, so they can best explain any nuances and repercussions of information in a more effective and concise manner. This is ultimately more beneficial for consumers who often find the full list of material information that has been provided in the past too long and frustrating to read.
16. When producing guidance there are three observations that the UK Government must take into consideration. Firstly, experiences of our members show that buyers are often put off from reading and understanding material information if they are provided with too much information. Secondly, buyers would prefer not to receive a blanket list of all the information a consumer could possibly need, rather they would prefer a condensed list of what they really need to know. For example, if a buyer had a bad experience with flammable cladding and would never buy a home with flammable cladding again, it would be possible for them to read passed a line in the "property construction" that states the home has aluminium composite panels, but the buyer is unaware that means the home has flammable cladding. Thirdly, it is much more effective for buyers to tell estate agents what they need to know about a property and for estate agents to identify any information which would inform the buyer whether or not to purchase the property.

Question 9: Are there any information categories you want to highlight as data you would not consider material information? If so, why would you not consider it material information?

17. Further to our response to question 8, for estate agents we would highlight the following three categories as areas that require further engagement with the sector as part of developing guidance. This is to ensure they remain part of material information, but the role of estate agents and the technical knowledge needed to present the information can be obtained and is appropriately applied. These are:

- Building safety defects, including fire and structural risk modifications
- Property construction (for example, standard, thatched roof, prefabricated)
- Issues with property (for example, damp, subsidence, asbestos, Japanese knotweed)

When should information be provided

Question 10: Are there any information categories that you think should be considered material information, but which could be challenging to display in property listings in a way that is easily understood by consumers?

How do you think any information categories of this sort should be treated?

18. Based on the list provided earlier, we would consider the full implications of the following information to not be easily understood by consumers. Each category is followed by the percentage of agents who stated the information would be difficult to identify or display in a property listing:

- Rights and easements – 73%
- Building safety defects, including fire and structural risk modifications – 67%
- Issues with property (for example, damp, subsidence, asbestos, Japanese knotweed) - 60%
- Ground rent or service charges (if applicable) - 49%
- Restrictions (for example, listed property, conservation area, restrictions on usage) - 46%
- Property construction (for example, standard, thatched roof, prefabricated) - 40%
- Tenure, including time remaining on lease (if applicable) - 30%

19. It should be noted that only 4% of survey respondents believed none of the information would be difficult to obtain.

Question 11: Do you think it is reasonable for any information that could be considered material to not be included in full detail in property listings, instead with further details being provided at a later stage in the process, for example when a customer views a property?

20. Yes, we do think it is reasonable for any information that could be considered material to not be included in full detail in property listings and instead further details provided at a later stage.

Question 12: If so, what are the differences between information you think should be included in property listings vs that which should be provided at a later stage? Can you give examples of each?

21. When our members responded to our survey, the highest percentage of members who supported providing information at a later date was 34% for the condition of the property. Therefore, as outlined in our response to question 8 and question 9 we think there are three categories of information that should be considered as needing to be provided at a later stage because they require technical expertise to obtain:

- Building safety defects, including fire and structural risk modifications
- Property construction (for example, standard, thatched roof, prefabricated)
- Issues with property (for example, damp, subsidence, asbestos, Japanese knotweed)

Working with other professions

Question 13: What should be the requirement on estate agents regarding material information that could require technical expertise to obtain or interpret?

22. Where technical expertise is required for categories of material information, the guidance must do two things. Firstly, highlight that services of qualified professionals are needed for these categories. Secondly, support property owners/sellers and agents with a list of, and signpost to, relevant experts who are best placed to obtain or interpret information for these categories.

Question 14: What should guidance state about estate agents working with surveyors and conveyancers to obtain or interpret technical information?

23. The guidance should state that conveyancers should be instructed prior to the property going on the market. This would enable conveyancers and estate agents to work together to identify information that the estate agent is not able to without additional expertise.
24. The guidance should say what surveyors do and how a survey on the property can support consumers to understand more detailed information about the property.

Question 15: What should guidance say about estate agents working with other property professionals such as managing agents, mortgage advisers, lenders etcetera?

25. The guidance should do three things to support estate agents working with other property professionals. Firstly, include definitions and explanations of different professionals and how they are involved in the home buying and selling process. Secondly, outline where different property professionals can best support estate agents and consumers to better understand detailed areas of material information. Thirdly, outline agents' responsibilities should they outsource the collation and verification of material information to third party suppliers.

Verification and data accuracy

Question 16: How could guidance on material information ensure data gathered by estate agents, and supplied by sellers, is as accurate as possible?

26. The guidance could do four things on material information to ensure data gathered by estate agents and supplied by sellers is as accurate as possible. Firstly, provide a list of links and resources under each required category to ensure estate agents and sellers can verify the information provided. Secondly, reference legislative requirements for the presentation of certain information that must be provided as material information. This should be supported with case studies and examples as well reference why each category is deemed material information. Thirdly, provide advice on how to present information that can't be verified or is unknown. Fourthly, to ensure accuracy and acceptance from all parties involved in the property transaction, we would recommend that material information be provided through a single list of information. Currently, this is not possible as each party involved is working towards different regulatory or professional

requirements. This is why we recommend that the UK Government introduces a single data access point where material information is listed and details hosted that all parties could feed into. Each part of the material information would be allocated to a specific professional or the vendor working with the estate agent to upload the information. The benefit of working towards a single set of information that can be accessed and edited in real time is that it enables all parties involved to meet electronically and work together to go through the information piece by piece. Currently, disputes are shared via email which can be a slow and frustrating process when compared to meeting online and going through the information. Where information seems to contradict each other, the UK Government should produce guidance on what information should be considered the most valid and up to date.

Question 17: What else could government do to ensure information gathered by estate agents is as reliable as possible?

27. In addition to our response to question 16, the main difficulty for estate agents is being able to challenge the vendor on information they have provided. Even if an estate agent seeks to verify that the information is correct, the vendor may be unhappy with a delay or with how they've been challenged. While this can be partly mitigated through the need to obtain a property survey and condition report, we would recommend that the UK Government should introduce training requirements through the proposals to require estate agents to be qualified that can help estate agents better navigate these challenges.

Question 18: What could other organisations and sellers do to ensure information gathered by estate agents is as reliable as possible?

28. We have no further information to provide on this as we answered this in our response to question 16. That all parties involved should be working together to fill out the information on a single digital access point with a single list of information that is needed. All organisations involved would have the ability to dispute any information collected, with the onus placed on the professional who collected the information to provide evidence of its accuracy.

Audience of the guidance

Question 19: How can we most effectively support consumers to understand their rights and responsibilities regarding material information?

29. There are three methods in which the UK Government can support consumers to understand their rights and responsibilities regarding material information:

- **Firstly, we would recommend introducing some form of liability to the vendor as well as the estate agent, as the estate agent is working on behalf of the vendor.** The degree to which the vendor would be liable would depend on if the vendor actively requests that material information requirements be ignored.
- **Secondly, further promotion of consumer information in short form using simple language.** This should include wider advertisement of the UK Government's 'How to sell a home', 'How to buy a home' and 'How to lease' guides alongside case studies, video explainers and webinars for consumers.
- **Thirdly, people should have access to their own records at the Land Registry for free.** This would encourage people to be aware of their property and deal with boundary and restrictive covenant issues before they decide to sell.
- **Fourthly, the Local Land Charges is an important project to bring together and digitise local land search information in England and Wales, but it is taking too long to complete.** The first council to complete the transfer of data to the Land Registry was in 2018. By March 2025, only 110 local authority datasets have been transferred.⁵ It should be easy to complete this work earlier than scheduled with more resources.
- **Fifthly, the UK Government must embed material information requirements within the proposed estate agent Code of Practice and make the requirement to join a professional membership body mandatory.** If an estate agent faces the possibility of losing their membership and by extension their ability to sell homes, they are more likely to push back on any vendor's request to not provide material information. Over time, the number of

⁵ <https://hmlandregistry.blog.gov.uk/2025/03/31/local-land-charges-the-journey-so-far/>

estate agents who refuse vendors who don't meet their responsibilities regarding material information will increase and force vendors to reconsider.

Question 20: Which of these audiences do you think should be provided with guidance on material information alongside estate agents – buyers, sellers, conveyancers, surveyors, etcetera.

30. We would recommend that all parties involved in the home buying and selling process should be provided with guidance on material information, especially since we are recommending that all parties need to be involved in the information gathering process.

Enforcement

Question 21: What information regarding enforcement do you think should be contained in the material information guidance? For example, this may include information about the different organisations estate agents are accountable to, including details on their specific roles.

31. We see no reason to not provide the full details on enforcement within material information guidance that would apply to all parties involved in the home buying and selling process. This would have the benefit of ensuring any party not meeting their requirements can be reminded of their responsibilities and consequences if they are failing to meet them. Information regarding enforcement should focus on three areas. Firstly, information about the different organisations estate agents are accountable to, including details on their specific roles. Secondly, information on regulatory bodies, redress and complaints. Thirdly, details about different types of enforcement under legislation and penalties.

Implementation

Question 22: What steps beyond those highlighted in your response to question 6 do you think government should take to support the implementation of material information guidance?

32. We have no further information to provide at this time.

Question 23: What steps beyond those highlighted in question 7 do you think other organisations should take to support the implementation of material information guidance?

33. We have no further information to provide at this time.

Question 24: Are there changes industry or individual businesses will have to make to support the effective implementation of guidance on material information which you wish to highlight?

34. Yes, there are two key changes for the industry that they will need to make:

- **The first is to move away from each party involved in the process providing their own set of information requirements to vendors and instead working towards a single list.** Prior to the introduction of the single list, the UK Government will need to work with regulatory and industry representative bodies to agree to the list and embed the new requirements into their regulatory functions. 64% surveyed Propertymark members agreed that working with the regulatory bodies to agree to clear expectations would be effective.
- **Secondly, all parties involved in the process will need to be involved at an earlier stage than they do now.** This should also be enshrined by regulatory bodies into new model and expected ways of working.

Question 25: Do you think that material information guidance should be rolled out gradually during an implementation period?

35. Yes, to support compliance, enforcement against the requirements set out in the guidance should be introduced in a phased way giving a date the guidance will be introduced and a date that enforcing bodies will actively take action from.

Question 26: Is there anything else, beyond the issues highlighted in the questions above, that you think needs to be included in guidance to support estate agents with their responsibilities regarding material information?

36. We have no further information to provide at this time.