



## Primary Authority Partnership

### Warwickshire County Council Trading Standards & National Federation of Property Professionals & The Property Ombudsman

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#### Primary Authority Advice

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#### **Advice requested:**

Two agents (A & B) are instructed on a joint agency agreement to sell a property.

Agent A secures an offer on the property that is accepted by the vendor (however the vendor wants both agents to continue to market the property).

Q - 'A' updates the property page on an internet portal with 'sold subject to contract'. What should Agent B do to comply with the CPRs, in regard to their own property page on the internet portal?

#### **Legislation considered:**

Consumer Protection from Unfair Trading Regulations 2008 ("*CPRs*")

#### **Other Material considered:**

National Trading Standards Guidance on Property Sales [September 2015] ("*NTS Guidance*")

TPOS Code of Practice for Residential Estate Agents [1<sup>st</sup> October 2015] ("*Code of Practice*")

#### **Assured Advice Issued:**

It is important to consider the instructions from the vendor at this point. If the vendor informs both agents that the property is to be removed from the market, then Agent B should take down their property page on the internet portal and cease marketing.

If the vendor decides that marketing of the property should continue after accepting an offer subject to contract, then Agent B should also make it clear on his property page on the internet portal that the property has been sold, subject to contract.

To avoid consumers becoming confused, it would be sensible for Agent B to add a statement to the internet description, for example 'This property is currently sold subject to contract by another agent, however the vendor is still considering offers'.

Agent B should not use any terms that would be misleading, for example 'another property sold by us' as this is incorrect and misleading. If Agent B is asked if they have sold the property, then they should clearly state no.

Only Agent A who has secured the sale can use additional advertising within his property description, such as 'Another property sold subject to contract by Agent A' as this is factually correct.

**Date Advice is Effective from:**

31 01 2017

**Reference and renewal:**

The reference for this advice is: WTS/NFOPP/TPOS/23

This advice will be reviewed annually; however it will remain valid until it is marked 'obsolete' on the Primary Authority Database. If any part of this document requires amendment following a review, a completely new version will be added to the database and the previous version shall be marked 'obsolete'.