



Primary Authority Partnership

Warwickshire County Council Trading Standards

Old Budbrooke Road, Warwick, CV35 7DP

&

Propertymark

Arbon House, 6 Tournament Court, Edgehill Drive, Warwick, CV34 6LG

&

The Property Ombudsman

Milford House, 43 - 55 Milford Street, Salisbury, Wiltshire, SP1 2BP

Primary Authority Advice

This advice is applicable to all member businesses. If you are contacted by a local authority enforcement body, please ensure that you inform them that you are a member of the scheme.

Advice requested:

1. Can properties be shown with a 'SOLD' or 'SALE COMPLETED' sticker rather than 'Sold subject to contract' following exchange or completion of a sale?
2. Do we need the new owner's permission to use a recently sold property when creating a 'sold in your road' flyer to send to neighbouring properties?
3. Can previously sold properties be used on a wall display in the office on a long-term basis, or is there a time limit for this?

Legislation considered:

Consumer Protection from Unfair Trading Regulations 2008 ('CPRs')

Other Material considered:

National Trading Standards Estate Agency Team Guidance on Property Sales, September 2015 ('NTS Guidance')

Code of Practice for Residential Estate Agents, October 2016 ('TPOS CoP')

Assured Advice Issued:

1. In answering this question we refer to advertisements inside estate agents' physical premises, and not for sale boards at the property.

The NTS Guidance states that the term 'Sold' can be used only after contracts have been exchanged. Therefore, if a property is 'Sold subject to contract', it should not be advertised as 'Sold' or 'Sale completed', as this would not be true and could be misleading.

'Sale Completed' should only be used for properties where completion has taken place.

2. As far as the CPRs are concerned, there is no barrier to identifying a recently sold property in marketing material, provided the house shown as having been sold was indeed recently sold by the agent using it in their advertising.

Whilst the copyright in the photograph image will likely belong to the agency via its agreement with the photographer, it is a requirement in paragraph 3b of the TPOS CoP that you seek the new owner's permission in any canvassing material.

If permission is obtained, we would consider properties to be 'recently sold' for a period not exceeding one calendar month from the date of completion.

3. Previously sold properties can only be used on a wall display or any other canvassing material if the new owner's permission has been obtained in line with paragraph 3b of the TPOS CoP.

The NTS Guidance suggests that 'Leaving details of properties that you have sold on your website or in your office window for a long period of time (to the extent that you create a false impression that you are selling more properties than you actually are)', could be a breach of professional diligence.

Our guidance is that a 'long period of time' would be more than one calendar month, starting from the date of completion for properties advertised as 'Sold'.

However, if property marketing material was clearly and boldly marked with the actual date of completion, leaving consumers in no doubt when it was sold, it would then not create a false impression of selling more properties than you are at that specific time.

Date Advice is Effective from:

15 08 2018

Reference and renewal:

The reference for this advice is: WTS/PM/TPOS/30

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'.