



Primary Authority Partnership

Warwickshire County Council Trading Standards

Old Budbrooke Road, Warwick, CV35 7DP

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Propertymark

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

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The Property Ombudsman

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

Primary Authority Advice

This advice is applicable to all member businesses acting in a capacity of a letting agent, managing agent or landlord. 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:

Does the Propertymark Property Information Questionnaire, if properly completed, ensure compliance with the Consumer Protection from Unfair Trading Regulations 2008?

Legislation considered:

Consumer Protection from Unfair Trading Regulations 2008 (as amended)

Part 2 of the Energy Performance of Buildings (England and Wales) Regulations 2012 (as amended)

Other Material considered:

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

DCLG – Improving the energy efficiency of our buildings – A guide to energy performance certificates for the marketing, sale and let of dwellings (April 2014)

DCLG – Improving the energy efficiency of our buildings – Local Weights and Measures Authority guidance for the enforcement of the requirements of the Energy Performance of Buildings (England and Wales) Regulations 2012 (as amended) (March 2016)

Assured Advice Issued:

The Property Information Questionnaire is in accordance with the requirements of the above legislation and will form a very important part of an agent's due diligence procedures.

Of course, it should be remembered that completion of this alone, relying on the word of the vendor, will not in itself equate to a comprehensive due diligence procedure. We would also expect agents to make reasonable checks to verify the truth and accuracy of what they have been told.

The agent is not a solicitor, so we would not expect them to perform full conveyancing duties before marketing the property. However, to satisfy their duty to take all reasonable precautions, they should ask further relevant questions of the vendor where there are doubts or missing information. They may also need to consult official sources, e.g. Land Registry, local authorities etc.

At the time of issuing this advice, we have not reviewed the training provided to members, nor have we reviewed any monitoring procedures instituted by member agencies to ensure the Questionnaire is properly completed.

Date Advice is Effective from:

17 04 2019

Reference and renewal:

The reference for this advice is: WTS/PM/TPOS/34

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'.