

# Buying a property?

What you need to know



If you are a homebuyer who comes into contact with an estate agent, the agent must comply with laws that protect consumers in the UK from unfair sales and marketing practices.



## As a buyer, what can I expect from estate agents that comply with these laws?

- ✓ **Honest credentials**

If they say they belong to a professional body or a redress scheme, this should be true and up-to-date, and they should be able to prove it

- ✓ **Accurate descriptions of properties they are marketing**

What they say, write or show in pictures must be truthful and balanced, and must not mislead

- ✓ **Open, honest, clear and timely sharing of relevant information**

They cannot hide from you important information that would affect the decisions you make

- ✓ **Fair dealing**

They should pass on your offers promptly and in writing to the owners; declare any conflicts of interest, including when recommending other services; and treat you the same whether or not you take up those services

- ✓ **They owe a duty of care towards their client (the seller)**

So they may need to ask questions or to seek proof of your identity or what you say (for example to check how you would finance the purchase or what stage any linked sale has reached)

# How can I help the process run smoothly?

## ➔ **Take time to find out about the home buying process**

For example, look at the 'Buying a Home' pages on [www.adviceguide.org.uk](http://www.adviceguide.org.uk)

## ➔ **Clearly explain to the estate agent your requirements**

The clearer you are, the less likely it is that you will be shown unsuitable properties. Give honest feedback on properties you view, as this will help the agent identify properties you might wish to view

## ➔ **Do not rush or be pressured into a decision you are not comfortable with**

For example, an agent cannot force you to meet or use a particular financial advisor, legal representative, or building surveyor

## ➔ **Read carefully any marketing material the estate agent provides for you**

## ➔ **Check out publicly available information about a property where this is easy to do**

For example about flooding risks (at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) or, for properties in Scotland, [www.sepa.org.uk/](http://www.sepa.org.uk/) ) and local amenities (local authority websites are a good starting point)

## ➔ **If you don't understand, are unsure of something, or if something sounds too good to be true, ask questions**

## ➔ **Be honest and accurate when answering questions**

If you give incorrect information or leave important things out, it is likely to be uncovered later in the process and may harm the purchase

## ➔ **Keep written records of important conversations**

And share them with the agent to ensure you both agree the key points

## ➔ **Remember the role of the estate agent is to market and sell their client's property**

They act for the seller, not for you. If you want someone to check the property's structural condition, commission your own surveyor. If you want someone to check the property's legal title, instruct your own solicitor or licensed conveyancer.

# What should I do if I am not happy?

- ➔ Most estate agents act with integrity, reasonable care, skill and good faith. But, if you are not happy with your agent's service, tell them and give them a chance to investigate and resolve your complaint.
- ➔ If you are not satisfied with the way your complaint is dealt with, you can refer the matter to the relevant redress scheme, Citizens Advice or Trading Standards, amongst others. See [www.oft.gov.uk/business-advice/estate-agents/estate-agent-complaints](http://www.oft.gov.uk/business-advice/estate-agents/estate-agent-complaints) for more information.
- ➔ There are two approved estate agents redress schemes: The Property Ombudsman ([www.tpos.co.uk](http://www.tpos.co.uk) or call **01722 333306**) and Ombudsman Services: Property ([www.ombudsman-services.org/property.html](http://www.ombudsman-services.org/property.html), **01925 530270**).
- ➔ If the agent is a Scottish legal firm, contact the Scottish Legal Complaints Commission ([www.scottishlegalcomplaints.com](http://www.scottishlegalcomplaints.com), **0131 528 5111**).
- ➔ The Citizens Advice consumer service provides free, confidential and impartial advice on consumer issues. Visit [www.adviceguide.org.uk](http://www.adviceguide.org.uk) or call the Citizens Advice consumer helpline on **08454 040506**. Call charges will apply.



# **Selling a property?**

What you need to know



If you are selling property through an estate agent, the agent must comply with laws that protect consumers in the UK from unfair sales and marketing practices.



## As a seller, what can I expect from estate agents that comply with these laws?

### ✓ **Honest credentials**

If they say they belong to a professional body or a redress scheme, this should be true and up-to-date, and they should be able to prove it

### ✓ **Fair comparisons**

If they compare themselves with rival estate agents, the comparisons should be fair, objective and supported by facts

### ✓ **Truthful claims**

What they say or write should be true and accurate

### ✓ **A fair and honest market appraisal of your property**

Made in good faith and supported by evidence of current market conditions (such as sales of similar properties in your locality)

### ✓ **Open, honest, clear and timely advice**

While your property is marketed, for example, keeping you informed about the interest shown in your property and passing on all offers promptly and in writing

Before they enter into an agreement with you, they must provide:

### ✓ **Clear explanations** of the services they will provide

### ✓ **A breakdown of all fees and charges**, how they will be calculated and when they are payable

### ✓ **Terms of the agreement**, for example how long it will last and what cancellation rights apply

### ✓ **Details of their complaints handling procedures and redress scheme**

- ✓ **Details of potential conflicts of interest** that may arise if they act for you, for example because they will be offering services to potential buyers or because they have a personal interest in the sale

Once you enter into an agreement with an estate agent, they will act on your behalf. However, they also have wider legal duties beyond those owed directly to you. They must:

- ✓ **Represent your property accurately in marketing.** What they say, write or show in pictures must be truthful and balanced, and must not mislead
- ✓ **Disclose and not hide important information**
- ✓ **Act with care and diligence**, so they may need to ask you questions or for proof of your identity or what you say

## How can I help the process run smoothly?

- ➔ **Take time to find out about the home selling process.**  
For example, look at the 'Selling a Home' pages on [www.adviceguide.org.uk](http://www.adviceguide.org.uk)
- ➔ **Get asking prices from more than one estate agent**  
And shop around for the services that work best for you
- ➔ **Check that the estate agent is registered with an approved redress scheme**  
Or is a law firm covered by other redress arrangements
- ➔ **Before you sign any agreement, read it carefully**  
Be clear what services you will and won't get, and look out for long tie-ins and hidden charges. Don't be afraid to negotiate on the charges and tie-in period. Make sure verbal promises are included in the contract and, if you later agree any changes, ensure that these are in writing too
- ➔ **Do not rush or be pressured into a decision you are not comfortable with**  
For example, your agent cannot force you to meet or use a particular financial advisor, legal representative or building surveyor
- ➔ **Keep written records of important conversations**  
And share them with the agent to ensure you both agree the key points

### ➔ **Be honest and accurate when answering questions**

Giving incorrect information or leaving important things out is likely to be uncovered later in the process and may harm the sale

### ➔ **Maintain regular contact**

Tell your agent if there are errors in marketing materials or if your position or circumstances change

## What should I do if I am not happy?

- ➔ Most estate agents act with integrity, reasonable care, skill and good faith. But, if you are not happy with your agent's service, tell them and give them a chance to investigate and resolve your complaint.
- ➔ If you are not satisfied with the way your complaint is dealt with, you can refer the matter to the relevant redress scheme, Citizens Advice or Trading Standards, amongst others. See [www.offt.gov.uk/business-advice/estate-agents/estate-agent-complaints](http://www.offt.gov.uk/business-advice/estate-agents/estate-agent-complaints) for more information.
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