

# **NATIONAL TRADING STANDARDS**

**Estate and Letting  
Agency Team**

## **MATERIAL INFORMATION ON PROPERTY LISTINGS**

## **INDUSTRY GUIDANCE**

Any enquiries regarding this publication should be sent to us at: National Trading Standards Estate and Lettings Agency Team, Powys County Council, The Gwalia, Llandrindod Wells, Powys, LD1 6AA, or email: [estate.agency@powys.gov.uk](mailto:estate.agency@powys.gov.uk).

This publication is also available online via [www.nationaltradingstandards.uk](http://www.nationaltradingstandards.uk)

Version 1, July 2022

Version history

<b>Version</b>	<b>Date</b>	<b>Comments</b>
1	July 2022	Original document

## Contents

1.	Introduction .....	4
2.	What is material information? .....	5
3.	What information should be contained in a property listing and why is it important? .....	6
4.	What are your responsibilities regarding material information? .....	6
5.	Which property listings need material information?.....	8
6.	What about Energy Performance Certificates (EPCs)? .....	8
7.	Part A information for sales listings .....	9
7.1	Council Tax or domestic rates .....	9
a.	Council Tax Band (in England, Wales and Scotland) .....	9
b.	Rates (In Northern Ireland) .....	9
c.	New builds and Council Tax / rates.....	10
7.2	Purchase price.....	10
a.	Price and new build properties.....	10
7.3	Tenure .....	11
a.	Freehold .....	11
b.	Leasehold .....	12
c.	Shared ownership .....	14
d.	Commonhold .....	15
8.	Part A information for lettings listings .....	17
8.1	Council Tax or domestic rates.....	17
a.	Council Tax Band (in England, Wales and Scotland) .....	17
b.	Rates (In Northern Ireland) .....	17
8.2	Rent.....	18
8.3	Details of any deposit(s) payable.....	18
9.	Differences between nations in respect of rentals .....	19
10.	Letting arrangements .....	19
11.	Parts B and C material information .....	19

# 1. Introduction

This guidance is intended to assist industry stakeholders, primarily property agents, to comply with their obligation to include material information on property listings. Where we say ‘you’ in the text this is principally aimed at property agents. This guide should be considered alongside the [NTSELAT Guidance for property sales and lettings](#), the [Consumer Protection from Unfair Trading Regulations 2008](#) (the “CPRs”), any professional obligations, (e.g. redress schemes or new homes quality code requirements), as well as any other relevant legislation, (e.g. Tenant Fees Act 2019 in England).

On 21st February 2022 it was announced that certain information must be included on property listings for sales and rentals<sup>1</sup>. The programme of work will be phased in three stages, with information in the first stage, Part A, being required on listings from May 2022 onwards<sup>2</sup>.

At the time this guidance was released, if a property listing is uploaded with missing information from Part A, this will be highlighted and the property advert will continue to be published. Once you become aware of the information, you should update the listing. Ultimately, at a date to be decided, the aim is that listings without the required minimum information will be prevented from being uploaded onto online portals. However, this does not mean that consumers are prevented from making complaints about incomplete or missing information from property listings, as this is already an established requirement within the CPRs.

Since the announcement we have also published some [frequently asked questions](#) along with our opinion on the use of “[Price on Application](#)”, or POA. This opinion also applies to any other term, such as “price not available” etc. As well as being covered in the industry news outlets, we have published this information via the [National Trading Standards website](#).

This programme of work is primarily concerned with the listing of residential properties, however similar legislation exists for business to business marketing, being the [Business Protection from Misleading Marketing Regulations 2008](#) (BPRs). These particular regulations prohibit advertising which is misleading and you should consider how these provisions apply to you should you market commercial properties.

Legislation may change over time and any guidance provided is based on the information available at the time this document was produced. It is not necessarily comprehensive and is subject to revision in the light of further information and judicial findings. This guide is not an exhaustive explanation of your duty to include material information in your property listings and you should seek independent legal advice where necessary. Only the courts can interpret statutory legislation with authority and no legal liability can be taken for the information provided.

---

<sup>1</sup> [Material information for property listings announced - National Trading Standards](#)

<sup>2</sup> [Material information - Part A - Feb 2022](#)

## 2. What is material information?

Material information is defined in the CPRs as “information which the average consumer needs, according to the context, to take an informed transactional decision”<sup>3</sup>. This means any information which would impact the decision that a consumer makes in relation to the property, such as arranging a viewing, putting in an offer to purchase / rent and proceeding with any other aspect of the process. However, this does not necessarily include information that the consumer wants to know because of their personal circumstances and preferences, such as the rating of nearby schools.

Material information can be positive or negative in nature and you should not avoid including information on a listing because you think it will deter interest or take longer to secure an offer. In the case of a property sale, the seller will be expected to provide details of material information as part of the conveyancing process and will be liable if they misrepresent anything. Therefore, it is likely that the information will eventually come to light and could cause further delays or even result in the transaction falling through if it is not disclosed early.

It is in the interests of all concerned to divulge material information to prevent a failed transaction at a later stage. It will also mean that the initial enquiries that you receive in relation to a property are genuine, because the potential buyer or tenant is interested in the property based on the information that they have seen on the listing.

You should reassure your clients that including material information on the listing is required to comply with the law and to ensure that any transaction can proceed smoothly, and without delay. Furthermore, your client will benefit themselves from the improved material information when they are buying or renting a property.

Prior to the introduction of the CPRs in 2008, the Property Misdescriptions Act 1991 made it an offence to make false or misleading statements in the course of estate agency business when advertising property for sale. These provisions did not account for failing to include information within a property listing, and the Act was repealed in October 2013. The concept of material information and the CPRs make it an offence to fail to include information which is considered material. The CPRs do not include a prescribed list of information which is considered material as this varies with each business to consumer interaction.

---

<sup>3</sup> Regulation 6(3) [The Consumer Protection from Unfair Trading Regulations 2008](#)

### 3. What information should be contained in a property listing and why is it important?

The list of material information that has been announced forms the minimum amount of information that should be contained in a property listing<sup>4</sup>. You may be aware of other factors that relate to a property which is material information. You must disclose these other factors, for example the presence of a footpath across the property, the existence of flying freehold, or restrictive covenants. The requirement to provide material information applies equally to properties which are listed for sale and to let. In respect of tenure and the associated subcategories of information (e.g. ground rent and service charge) these are not required for rental listings as they would not be relevant to tenants in those circumstances, however, other categories of material information apply to all listings. For further information on the differences, please see Section 7 for sales and Section 8 for lettings.

A prospective buyer or tenant must be provided with material information at the earliest opportunity, which is usually when the property listing is viewed on a website. If you fail to disclose material information, this can affect the transactional decision of a consumer and you may receive complaints about your business. These may be escalated to your redress scheme provider and, significantly, put you at risk of committing an offence under the CPRs for which you can be prosecuted.

The improvement of information on the property listing is not a replacement for further searches and enquiries which will be required in a property sale.

### 4. What are your responsibilities regarding material information?

If you advertise properties for sale or to let you must ensure that material information is included in the property particulars. The material information which has been determined in Part A can be obtained from the seller, landlord or from title documents which are available online. As an agent, you will usually liaise with the property owner, or their representative, before the property is marketed for sale or to let. You should ensure that you proactively request material information in order to create the property particulars. You should also be undertaking verification checks on the information that is provided to ensure that it is accurate, e.g. obtaining title information to confirm ownership and the tenure. The seller may have instructed a solicitor/conveyancer at the outset who can also help to verify the information in readiness for the property to be advertised.

The material information should be prominently and clearly displayed in the property listing and should not be hidden, unclear or ambiguous as any of these failures could cause liability for “a misleading omission” which is an offence under the CPRs.

---

<sup>4</sup> Part B and Part C information are still to be announced.

It is also an offence to provide material information in an untimely manner. This means that if you know of any material information then it must be provided at the earliest opportunity. Ideally, this will be in the first draft of property particulars but if information is unknown at this stage, the listing should be updated as soon as new information comes to light.

If you have been unable to obtain material information you should indicate to potential buyers and tenants that certain information is not currently available and the reason why. Efforts should be made to obtain outstanding information promptly and inform all interested parties once this has been received as well as updating the listing itself.

If you become aware of a change to any information which is already included in a property listing, then you must amend this as soon as possible and inform all interested parties of this change. You will not be able to inform everyone who has previously looked at an online listing, but if you are aware of parties who are interested in the property then you should take all reasonable steps to inform them of the change in information.

As noted previously, listings can currently be published with missing Part A information, but it is eventually intended that listings without the required minimum information will be prevented from being uploaded onto online portals. Further information regarding any such decision will be published as the programme of work develops.

Property information questionnaires can be used to request the details you need to list the property. You should review the current forms that you use and amend these, where required, to ensure that material information is being obtained prior to the property being listed.

In the case of a sales listing, the seller may wish to engage with their conveyancing lawyer at an early stage. This is to ensure information regarding the property can be reviewed and any issues can be resolved.

You must also consider the information you provide to prospective buyers and tenants at all stages of the transaction and in all forms of communication with them. This can include the accuracy of virtual viewings and the information you provide to your customers on the telephone, in person, in writing and during viewings of the property.

When properties are listed online, they can be viewed by consumers from any location. This means consumers in the UK can view properties which are located outside the UK. However, the CPRs will apply to any property listing which is being marketed by a business based in the UK. Where there are data fields to be completed for an online listing that is to be published, the same principles will apply.

## 5. Which property listings need material information?

This programme of work has focussed on the information which is deemed material for residential property listings which are published via online property portals. However, the provisions of the CPRs apply to all aspects of your business activity and all forms of communication you have with consumers. Accordingly, all types of property listing should include material information including those on your own website, third party websites and printed material. The CPRs take account of the limitations of the medium used, such as available space to include all relevant information. For example, a single A4 sized paper advert in a window may contain less detailed information than an online advert or the accompanying printed brochure. However, you should consider the priority that you give information to ensure that the material information is included in your communications. Where space is limited, reference may be made to where or how the relevant material information may be found.

In developing this programme of work, each online portal from the steering group has been able to determine how to ensure that this information is captured and displayed on their platform. As an agent, you can also determine how to do this on your own websites and printed material. We consider that all Part A information should be available on the first page of the property listing and the portals who have been part of the steering group have ensured that this information will be prominently displayed.

We will not specify the material information which must be included on your marketing literature and you must use your professional judgement accordingly.

## 6. What about Energy Performance Certificates (EPCs)?

It is already a legal requirement that the EPC rating for the property should be disclosed on the listing (unless exempt). Where there is already a valid EPC it would be expected that the rating is included when the listing is first published. This can be obtained from the online EPC Register, which is [here](#) for England, Wales and Northern Ireland and [here](#) for Scotland.

If there is not a valid EPC for the property, one must be commissioned before the property is marketed. As the relevant legislation allows for a period of time for the EPC to be obtained the EPC rating has not been included within the published list of material information at this time. Agents must ensure that they are compliant with the existing timescales for obtaining an EPC and update the listing once it is received. Where an EPC has not been commissioned in accordance with the respective legislation, action can be taken in the form of a financial penalty<sup>5</sup>.

---

<sup>5</sup> Relevant provisions can be viewed [here](#) for England and Wales, [here](#) for Scotland and [here](#) for Northern Ireland.



## 7. Part A information for sales listings

For sales listings, Part A information includes:

- Council Tax band or domestic rate information;
- Purchase price; and
- Tenure

### 7.1 Council Tax or domestic rates

#### a. Council Tax Band (in England, Wales and Scotland)

The Council Tax band for the property must be displayed on the listing. The seller should know this and it can be confirmed by checking online via [this link](#) for England and Wales and via [this link](#) for Scotland.

For some properties, there is a possibility the Council Tax band is due to increase on the next sale of the property due to alterations which affect its valuation (shown by an ‘improvement indicator’). This can include the provision of an extension, the creation of an annex or other works which have changed the layout and size of the property. You should check with the seller if there have been any significant changes to the property which might affect its valuation. Further information for England and Wales can be found [here](#) and for Scotland, [here](#).

The Council Tax band may be deleted in certain circumstances<sup>6</sup> and if this is the case, this should be clearly stated on the listing.

Some properties may be exempt from Council Tax in limited circumstances<sup>7</sup>. Exemption conditions can change with occupation / use or by complying with a notice which has been issued upon the property. This means that the band has not been permanently deleted and the local authority will likely know the Council Tax band that would apply if the property was not exempt. If the property is exempt from Council Tax, the reason for this may be material information and should be disclosed, e.g. a prohibition order which prevents its use until compliance with the order.

#### b. Rates (In Northern Ireland)

Information about the rates must be included on the listing. The property valuation can be checked online via [Department of Finance \(NI\) – Property Valuation](#) and the existing property owner will also be able to confirm the details. Further information is also available online via [A guide to rates](#). You can decide the payment period to display, as long as it is accurate based on the property valuation information at the time of the listing.

---

<sup>6</sup> [Council Tax: domestic properties which are in disrepair or are derelict](#)

<sup>7</sup> [The Council Tax \(Exempt Dwellings\) Order 1992](#)

### c. New builds and Council Tax / rates

In the case of new builds, the council tax band / property rates are not always known at the point of listing. In these circumstances we would recommend that this is clearly stated on the property listing and the reason why, e.g. *“New build – Council Tax / rates not yet available”*.

If the property is part of a development, you may be able to find more information from the property developer and / or the local authority when other properties become occupied. If you become aware of the Council Tax or rates information at a later date, the listing should be updated to reflect this.

Developers are expected to establish the council tax band at point of sale as per the requirement in the New Homes Quality Board Code of Practice<sup>8</sup>, and pass this information on to the agent. As soon as you become aware of the actual council tax band / property rates, listings should be updated to reflect this.

## 7.2 Purchase price

The purchase price should be listed as a numerical amount on the listing.

It will be acceptable for properties to be advertised with a price range, as long as this is a true and accurate reflection of the property valuation and not an attempt to increase interest for the property, for example if the lower price band would put the property in a lower stamp duty category.

Price is considered to be material information and is to be included on a listing. Pricing information is given in many formats, for example, offers in the region of, offers in excess of. We have previously published our opinion on the use of Price on Application or “POA” which you can view [here](#).

If there are other financial liabilities associated with the property or the purchasing process, like a reservation fee, or contributions to communal areas in a freehold property, this would also be considered material information and should be included on the listing.

### a. Price and new build properties

We understand that new build developments are usually advertised before any building work has begun and “coming soon” is often used for initial advertising. This will still be permitted, but once a price is known for the properties the listing should be updated to reflect this.

Details of any reservation fees, the associated terms and conditions and pricing information for additional or alternative fixtures and fittings would also be considered material information and should be available on the listing.

---

<sup>8</sup> [Developer Information - New Homes Quality Board \(NHQB\)](#)

## 7.3 Tenure

The tenure of the property must be contained on the property listing, e.g. “freehold”, “leasehold”.

This refers to the way in which the property will be legally owned and it affects the legal rights and associated costs with the property. In respect of tenure, prospective buyers may not be familiar with the differences between the types of ownership and you should ensure that information is clear and unambiguous.

The different types of tenure are:-

- Freehold, known as Heritable title in Scotland
- Leasehold, including shared ownership
- Commonhold

### a. Freehold

Freehold means that the seller owns the property and the land on which it is built. The owner will usually be responsible for maintenance of the property and land and have more freedom to alter it, subject to local planning restrictions.

There are other aspects of freehold title which may be relevant in some properties which are briefly covered below. The seller and proposed buyer may need to speak to their respective conveyancing lawyer regarding the implications of these, to ensure that the conveyancing process is not delayed. If these apply to the property, they should also be disclosed on the listing.

#### **Managed freehold**

Some freehold properties may have common areas which are managed on behalf of all the properties which are permitted to use / access them, such as a car park or garden areas. If there are fees payable in respect of this, these should be included on the listing so potential buyers are aware of the financial contributions they will be required to make. The property owner should know these details.

#### **Flying / creeping freehold**

This means that part of the property being sold overhangs or lies below another property which is under different ownership, for example a room over a shared passageway or a ground floor room which is below a neighbour’s first floor property. There may be implications with the mortgage offer and home insurance and the prospective buyer will also have to consider ongoing maintenance of the property, including access arrangements.

#### **Tenure in Scotland**

In Scotland, ownership of property, including flats in a block, is different to England, Wales and Northern Ireland. Property is owned outright, which is comparable with freehold ownership and known as “heritable title”.

## b. Leasehold

Leasehold means that the property owner will have the right to live in the property for a set number of years (specified in the lease). The land is owned by the freehold owner of the land, who can be referred to as the landlord, and when the lease term expires ownership of the property will return to them. The lease will specify what maintenance the owner and the landlord are each responsible for and the owner is likely to need the landlord's permission to alter their home. The owner will usually pay additional regular charges called ground rent and service charges. Additional charges may also be required for large scale maintenance works and the seller may have received notification of these. These are explained further below.

Further information about leasehold properties, associated obligations and rights of leaseholders can be found online via [The Leasehold Advisory Service](#) and [Housing Advice NI](#)

With some leasehold properties, the seller may also own a share of the freehold. The seller and proposed buyer may need to speak to their respective conveyancing lawyer regarding this to ensure that the conveyancing process is not delayed. If this applies to the property being sold, it should be disclosed on the listing.

### Shared freehold / share of freehold

The seller may own a share of the freehold for the building their property is in, as well as the individual leasehold property which they occupy. Multiple leasehold owners will own a share of the freehold so there is a collective responsibility in respect of the freehold.

Additional charges and fees will still be payable for the communal areas. Owning a share of the freehold can be through "joint management" or through a management company. The seller should have details of this and you can also check the title documents for more information. The process for buying the freehold is called leasehold enfranchisement or collective enfranchisement.

As well as stating that the property is leasehold, you should also specify: -

### **Current ground rent and any review period;**

Information about current ground rent payments and the associated review period need to be included in the listing.

The current owner will be able to provide this information as they will be liable to pay it. Knowing the review period is important because this may result in an increase in the costs and prospective buyers will need to be aware of any upcoming changes.

[The Leasehold Reform \(Ground Rent\) Act 2022](#), which will apply to England and Wales, restricts ground rents on leases newly created after 30<sup>th</sup> June 2022 (or April 2023 for

retirement homes) to an annual rent of one peppercorn, which can be verified with the seller and in the lease.

### **Current service charge information**

Information about current service charge payments must be included in the listing.

The seller should know this information as they will be liable to pay it and information should also be contained in the lease. Service charges may be fixed or variable and the lease will usually give the service charge period and how often the payments are due.

The way in which payments are required will vary with each property. This could be a percentage or a proportion of the overall costs, or it may be referred to as a “fair” or “just” proportion of the service charge.

Some leasehold management arrangements include contributions to a reserve or sinking fund which will be used to mitigate known or planned works. Check with the lease administrator whether this applies and consequently, where they do apply, the information must be included in the property listing.

Further information regarding service charges can be found via [The Leasehold Advisory Service](#).

### **Length of lease (also known as the Term)**

Details regarding the length of the lease must be contained in the listing.

This could be displayed as the end date of the lease, e.g., DD/MM/YYYY and / or you can indicate this as “years remaining”. If you use “years remaining” you should ensure that the statement is kept up to date and does not become out of date if the property does not sell quickly. This could be set up as a live formula to ensure that it does not mislead consumers when they are viewing the listing.

The length of the lease will be stated in the title documentation for the property and also on the lease itself.

It is important that potential buyers know the remaining years left on the lease because this could affect their ability to obtain a mortgage or they may face difficulties when they come to sell the property in the future. It is possible to extend the lease and if the length of lease is preventing the sale of the property the current owner may wish to consider extending the lease. Further information can be obtained from [The Leasehold Advisory Service](#) in this regard.

If this is a course of action that the existing owner wishes to pursue, the freeholder will need to be approached and a conveyancing lawyer will be required to provide advice and guidance to the seller at an early stage.

### c. Shared ownership

Shared ownership properties are an affordable form of home ownership and the associated title is leasehold. The seller, also known as a leaseholder, will own a share of the property and will pay rent on the part of the property retained by the landlord. The leaseholder will usually be able to purchase additional shares in the property, until they own 100% of the equity, which is known as “staircasing”. There will be specific terms and conditions associated with the ability to purchase additional shares.

It is also common for the shared ownership documents to contain a “pre-emption” right. This means, generally, the co-owner has first option to buy the balance of the property. This first option must be exercised or declined before the property is placed on the open market. You may wish to check if this clause has been complied with before listing the property for sale.

Further information regarding shared ownership can be found online via [The Leasehold Advisory Service \(Shared Ownership Leases\)](#)

As well as stating that the property is shared ownership, the listing should also include:-

- Details of the share being sold, and
- Any additional liabilities or obligations, i.e. additional payment amounts

#### **Details of the share being sold**

The seller will only be selling the percentage share of the property that they own and the listing must clearly state this, e.g. 50% share for sale. You should request evidence of the share that the seller is selling to ensure that the asking price of the property is accurately reflected.

#### **Any additional liabilities or obligations**

There will usually be additional liabilities or obligations in relation to the shared ownership property, such as the rent amount which is payable on the share that the seller does not own. This information must be included on the listing.

The seller will have details of the rent that they are currently paying and you should verify this by checking the latest rent statement. The rent amount may increase each year, and prospective buyers should be informed of this.

Shared ownership properties will usually require payment of a service charge and the seller should have details of this based on their current payments.

Potential buyers may also wish to know further details about the options for staircasing and they may wish to discuss this with their conveyancing lawyer.

#### d. Commonhold

Commonhold currently represents a very small percentage of property ownership and is an alternative to the traditional long leasehold system. The seller will own the freehold of their property and a commonhold or residents' association will own and manage the common parts of the property. There is no limit on the length of ownership with commonhold tenure.

There is specific legislation in respect of commonhold property<sup>9</sup> and further information regarding commonhold can be found online via [The Leasehold Advisory Service](#). It is likely that prospective buyers will have additional questions for you and they may also wish to speak to their conveyancing lawyer at an early stage.

In our original press release, we also stated that if the property was commonhold then you must also disclose *"details of rights and obligations that apply between the unit holders, and between the unit holders and the commonhold association"*. During further discussions at the steering group it has been decided that this will not be required on listings for the time being, but you may wish to obtain further information in this regard so it can be shared with interested parties at an early stage. The Commonhold Community Statement (CCS) forms the rules which govern how the commonhold is used and managed. The CCS can contain specific local rules which apply to that specific commonhold, and there could be material information. You should ask the sellers for this document to consider if any additional information is required on the property listing.

#### **Additional information about tenure**

Properties / land may be registered or unregistered. If the property is registered, then information can be obtained online for a small fee from [Land Registry](#) (England and Wales), the [Land Register of Scotland](#) or [Land Registry](#) (Northern Ireland).

If the property is unregistered then the current property owner, their conveyancing lawyer or their mortgage lender / bank may hold the Title Deeds to the property. There may be occasions when title deeds are lost, missing or incomplete and in these cases the seller should speak to a legal advisor as soon as possible to ensure that any legal title is corrected and registered accordingly, as this may delay the transaction.

As well as the type of tenure, there are also different classes of title, and these can have further consequences on the ownership of that property. If you obtain the proof of title this should be clearly displayed on the title documents, some examples of the title descriptions are below<sup>10</sup>:-

- Absolute Freehold or Absolute Leasehold
- Good Leasehold
- Possessory Freehold or Possessory Leasehold

---

<sup>9</sup> [The Commonhold Regulations 2004](#) and [The Commonhold \(Amendment\) Regulations 2009](#)

<sup>10</sup> These are not exhaustive and other classes of title exist.

You should check that the boundary of the property on the title plan is representative of the land and property being sold. If there are any discrepancies between the title plan and the area of land / property being sold, the seller should speak to a conveyancing lawyer and/or the relevant land registering organisation about this as soon as possible to reduce the risk of any delays with the transaction.



## 8. Part A information for lettings listings

For lettings listings, Part A information includes:-

- Council Tax band or domestic rate information;
- Rent; and
- Details of any deposit(s) payable.

### 8.1 Council Tax or domestic rates

#### a. Council Tax Band (in England, Wales and Scotland)

The Council Tax band for the property must be displayed with the property. You will be able to obtain confirmation of this from the landlord / owner of the property and it can be confirmed by checking a recent Council Tax bill.

Information can also be accessed and verified online via [this link](#) for England and Wales and via [this link](#) for Scotland. We recommend that you check the information that you are provided with to ensure that the information being displayed is accurate.

If the Council Tax is included within the rent, this should be indicated in the listing and it will not be necessary to indicate the Band separately. However, some portals may enable the Band to be stated as a separate data field.

#### b. Rates (In Northern Ireland)

Information regarding rates can be found online ([Rates on rental properties | nidirect](#)) and from the existing property owner. The property valuation can be verified online via [Department of Finance \(NI\) - Property Valuation](#)

The person responsible for paying rates will vary depending on the capital value of the property. In some cases it will be the responsibility of the landlord to pay the rates while it is occupied by the tenant. If this is the case, we recommend that the listing is clear that the landlord remains liable.

If the tenant is liable for the payment of rates, this must be clear from the listing and the amount must also be displayed.

## 8.2 Rent

The rental amount for the property should be listed as a numerical amount and a related time period that it relates to, e.g. per calendar month. If rent is paid monthly, the equivalent weekly rental amount can be shown for information purposes but if rent cannot be paid weekly then this must be clear from the listing.

If the rent is inclusive of bills, the listing should clearly state which bills are included. If there is not a data field for this information, you should include this within the free text for the listing.

The rental amount must reflect the nature of the occupancy and the price per tenancy. For example, in a multi-occupied property, like a student house share which is let on a single tenancy between a group of friends the overall rental amount for the property should be listed. If you provide a comparative “per person” or “per room” rental amount, it must be clear that this is the price when the property is fully occupied.

If a multi occupied property is rented on a room by room basis, then the rental amount per room and associated occupancy should be listed, e.g. single or double.

## 8.3 Details of any deposit(s) payable

### **Security deposit (tenancy deposit)**

Details of the security deposit must be included on the listing. You must comply with any specific requirements in the devolved nations that apply in respect of the deposit amount, e.g. Tenant Fees Act 2019 in England.

The deposit amount must reflect the related occupancy. For example, in a multi-occupied property, like a student house share which is let on a single tenancy between a group of friends the total deposit amount for the property should be listed and stated as such. If you provide a comparative “per person” or “per room” deposit amount, it must be clear that this is the price when the property is fully occupied.

If a multi occupied property is rented on a room by room basis, then the deposit amount per tenancy should be listed. You may wish to clarify the associated occupancy, e.g. single or double.

### **Holding deposit**

If a holding deposit is required, this must be clearly stated on the listing. You must comply with any specific requirements in the devolved nations that apply in respect of the holding deposit amount, e.g. Tenant Fees Act 2019 in England and the Renting Homes (Fees etc.) (Wales) Act 2019 in Wales.

The amount of the holding deposit must reflect the related occupancy. For example, in multi-occupied properties, like a student house share which is let on a single tenancy between a group of friends the total holding deposit for the property should be listed. If you provide a comparative “per person” or “per room” figure, it must be clear that this is the price when the property is fully occupied.

If a multi occupied property is rented on a room by room basis, then the amount of the holding deposit per tenancy should be listed. You may wish to clarify the associated occupancy, e.g. single or double.

## **9. Differences between nations in respect of rentals**

Where specific requirements apply to rental properties within the devolved nations, you should comply with these. These will not be considered in detail in this guidance, but for example, it is necessary to include a landlords registration number (or clearly state “landlord registration pending”) in relation to a property to let in Scotland.

## **10. Letting arrangements**

If the property listing will not confer a residential tenancy which the average consumer would expect to obtain, e.g. an assured shorthold tenancy in England, this must be made clear from the listing along with the consequences that would arise from this. This is considered to be material information as it will affect the rights and obligations of the tenant, property owner and property agent. You should ensure that any alternative arrangements for occupation are genuine and not an attempt to avoid legal liabilities, e.g. issuing a licence when an assured shorthold tenancy will arise.

## **11. Parts B and C material information**

As stated at the start of this guidance, Part A is part of a three-phrase approach to this programme of work. The steering group continue to work on the information deemed material for Part B and Part C and further details of this will be released in due course. However, even without these categories being released you are still under an obligation to provide all material information in relation to your day-to-day business activities.