

# Improving the disclosure of material information in property listings

## Frequently Asked Questions

This document is designed to help answer some of the most common questions property agents are asking the National Trading Standards Estate and Letting Agency Team on material information in property listings.

The full guidance on material information in property listings can be found on [our website](#).

The FAQs will be updated over time.

### Information sources

- A full list of parts A, B and C material information that should be disclosed on property listings can be found on the [National Trading Standards website](#).
- For general information about agents' obligations under the Consumer Protection Regulations (CPRs), see our [guidance for property sales and lettings](#).
- If you can't find the answer to your question in these documents or in the FAQs below, you can contact the NTS Estate and Letting Agency Team at [estate.agency@powys.gov.uk](mailto:estate.agency@powys.gov.uk).

### Join the conversation

- NTSELAT has created an open KHub group to allow stakeholders to provide feedback and comments in relation to the requirement to include material information on property listings. You can join [here](#).

For any questions relating to 'Price on Application' please refer to our guidance/opinion on the [National Trading Standards website](#).

Reference to "CPRs" below is to the Consumer Protection from Unfair Trading Regulations 2008.

**Q. When does this guidance apply from?**

- A. The guidance was published on 30/11/2023. There is no commencement date as such as the guidance is intended to help property agents comply with existing requirements under the CPRs and agents are encouraged to follow the guidance as soon as possible.

**Q. Do property agents need to update existing listings with material information?**

- A. Providing material information is not a new requirement. However, the guidance introduces a new framework of the minimum information that should be disclosed, where relevant. For existing listings, if agents are aware of the relevant field, they can update the listing. All new listings should include Parts A, B, and C material information, at a minimum.

**Q. How long do property agents have to change their processes to ensure material information is displayed on property listings?**

- A. There will understandably be an implementation period while agents process the guidance and change their processes to suit (e.g., changes to property portal data feeds or software changes). In the interim period, agents can use free text description boxes on property listings to display relevant material information as they normally do.

**Q. What do we do if there is a delay in obtaining information that would be considered material?**

- A. Agents should note where material information is missing (along with a reason for the delay, where relevant) and update the property listing and interested parties when it is known.

**Q. Is the guidance suggesting agents become conveyancers and surveyors?**

- A. No. The guidance makes clear that property agents themselves are not expected, qualified, or (usually) insured to make judgements about issues in Parts B and C. Where a matter is identified and further information is required, it is recommended that property owners/sellers and agents seek the services of qualified professionals (including, where relevant, a surveyor or conveyancer) to assist with the interpretation of the matter identified.

**Q. Do we need to include council tax information when the target audience (e.g., students) are exempt from paying council tax?**

- A. Yes. It should be included as a council tax exemption may not apply or be disappplied. This could happen outside of the agent or landlord's control so will need to be stated.

**Q. What do I do if the council tax is unknown?**

- A. It can take time for some properties (e.g., new builds) to be banded by the Valuation Office Agency (VOA). You should give a clear statement as to why this information is not available and update the property listing and interested parties when known.

**Q. (Lettings) Should I include the minimum contract term which impacts on overall rent obligation?**

A. Yes, it is likely that any minimum or fixed term will be material information.

**Q. What about the Home Report in Scotland?**

A. The CPRs apply throughout the UK (including Scotland). The “upfront” Home Report for property sales is not always or automatically provided with a property listing, and should not be used in place of disclosing relevant material information in property listings.

**Q. Why isn't Part A mandatory yet?**

A. The guidance is based in NTSELAT's view on what it constitutes material information in property listings (in partnership with industry leaders) and is an interpretation of the CPRs. The Government has reiterated the importance of improved material information disclosure in its recent White Paper (Levelling Up the United Kingdom) and signalled that legislation may follow.

**Q. How will these changes benefit agents?**

A. Our research shows overwhelming support amongst agents for the mandatory disclosure of information in property sales and lettings. Our guidance aims to help agents comply with the CPRs, prevent failed transactions or wasted costs, prevent unnecessary viewings, and to maintain their reputation as being open, honest and trustworthy.

**Q. How will these changes benefit consumers?**

A. Our research shows that 87% of consumers agreed that a listing should include all key information about a property. Our guidance aims to help consumers (buyers and tenants) make better informed decisions on their buying/renting journey, and to prevent failed transactions or withdrawals at a later stage.

**Q. What will happen to businesses and agents that fail to meet their legal obligations?**

A. A breach of the CPRs is a criminal offence and a “trigger” offence for the purposes of a warning or prohibition order under the Estate Agents Act 1979. Agents may also be subject to a complaint made by consumers to their redress scheme.

**Q. What support is being put in place for agents to raise awareness of these changes and help with achieving compliance?**

A. The guidance has been split into guidance for letting agents and guidance for sales agents; and contains additional information and useful links to help agents to identify material information. Agents can also seek business advice from their local trading standards, from any professional membership body that they are a member of, and from their redress scheme.

**Q. The guidance uses terminology which do not apply in Scotland. Why?**

A. The CPRs apply across the UK. Each devolved nation uses different terminology, and agents should apply the guidance principles pragmatically using their local knowledge.

**Q. Does the guidance apply to auctions and auctioneers?**

- A. Yes. The guidance is an interpretation of the CPRs and covers any business-to-consumer transaction, in this instance for residential sales via auction. Property listings for auctions should display the same information as any other listing.

**Q. Should Housing Association sales teams selling shared ownership follow the guidance?**

- A. Yes. The guidance is an interpretation of the CPRs and covers any business-to-consumer transaction, in this instance for residential sales.

**Q. How does this affect the practice of offering consumers ‘sneak previews’ of properties before they ‘go live’ online?**

- A. Any property details shared in this way should include all the material information in order to comply with the CPRs.

**Q. Where printed brochures are created, we historically have not included the price because of the reprint costs should the price change, could we now include a manual insert quoting the current price?**

- A. Where advertising space is limited or restriction, agents may wish to provide a link to their website or third-party site where all material information can be viewed by consumers (and updated by agents). Agents should be pragmatic about prioritising the information displayed on restricted media.

**Q. Does this guidance apply to property developers in the build to rent sector that build and advertise for letting only their own housing stock on their own websites?**

- A. Yes. The guidance is an interpretation of the CPRs and covers any business-to-consumer transaction, in this instance for residential sales and lettings.

**Q. Are all the material information categories applicable to lettings?**

- A. The categories apply to both sales and lettings, apart from Tenure. If rent includes bills, then the utilities information and council tax band may not apply, apart from giving some information on the heating system, for example, if it is a communal system. Tenants can be equally impacted by the identified material information categories as buyers (e.g., in terms of availability of insurance products). Legislation exists to help agents comply and protect consumers, without being disproportionately burdensome on existing business practices.