

Amendments to the TPO Code of Practice for Residential Estate Agents June 2014

Introduction	<p>TSI logo added</p> <p>Effective from date updated</p> <p>First paragraph re-worded to ∓This Code of Practice is mandatory for all TPO Members who are entitled to display the above logo and who offer estate agency services. Copies of this Code of Practice and the TPO Consumer Guide should be made available in all your offices. You should prominently display the logo in the window of all your offices.q</p>
General Provisions	<p>1a amended to ∓This Code applies to estate agency services (*) in the United Kingdom provided by a person or organisation who has agreed or is required to comply with it for the marketing of residential property (*). Note that letting and buying agents are covered by separate Codes of Practice.q</p> <p>1b relevant legislation updated</p> <p>1d amended to ∓You should provide a service to both buyers and sellers consistent with fairness, integrity and best practice; and you should not seek business by methods that are oppressive or involve dishonesty, deceit or misrepresentation. You must avoid any course of action that can be construed as aggressive behaviour (*) or harassment (*).q</p> <p>1e amended to ∓You must treat consumers equally regardless of their race, religion or belief, sex, sexual orientation, gender reassignment status, disability or nationality. Unlawful discrimination includes giving less favourable treatment because someone is perceived to have one of these personal characteristics or because they are associated with a person with such a characteristic.q</p> <p>1f paragraph split into two (last sentence added to 1d)</p> <p>Sub heading ∓Publicityqamended to ∓Promoting Your Businessq</p>
Duty of Care and Conflict of Interest	<p>Brought forward to section 2 (previously section 11).</p> <p>2b amended to ∓You must avoid any conflict of interestõ q</p> <p>New paragraph 2d ∓Customer (*) requirements are key and this applies to the potential viewer/buyer as well as the seller. You should complete a consumer fact find to ensure that any specific requirements of the seller or potential buyer may be taken into consideration.q</p> <p>2f ∓solicitorqamended to ∓legal representativeq</p>
Advertising for New Business (Canvassing)	<p>New section 3 - previously found under ∓Marketing and Advertisingq</p>

	New paragraph added Y You must act promptly if a seller or property owner asks you to stop canvassing them.q
Market Appraisal	4e last sentence marketing amended to market q 4c the word general removed before marketing strategy q
Instructions	5h amended to All fees and additional costs must be included in your Terms of Business. They must be fully explained, clearly and unambiguously stated in writing before the seller is committed to the contract.q 5l amended to to obtain confirmation of that request in writing.q Also amended to include new 14 calendar day cancellation period which applies to contacts agreed off-premises and online. 5n amended to On receipt of the seller's instruction (includes executor, trustee, person holding power of attorney), or on your own decision o q 5q first bullet point amended to that you may be entitled to a commission fee if that client terminates your instruction and a memorandum of sale is issued by another agent to a buyer that you have introduced within 6 months of the date your instruction ended and where a subsequent exchange of contracts takes place.q New paragraph 5t Although nothing precludes you taking court action to pursue payment of your commission account, it is generally expected that you will not take court action when a complainant has referred the matter to the Ombudsman. If however you do pursue payment of your commission fee through the courts you must agree to the Ombudsman considering any outstanding service-related complaints after the court action has been determined.q
EPC	6b amended to is included in the Home Report) and use in relation to the marketing of the property.q
Marketing and Advertising	7a amended to You must not put any property on the market for sale without permission from the seller, without obtaining adequate proof of identification of the seller in accordance with Money Laundering Regulations 2007 and without commissioning an EPC (in Scotland, a Home Report) compiled in accordance with the relevant legislation.' 7e legislation updated New paragraph 7h You must comply with local legislation in relation to erecting your boards.q 7i amended to You must by law comply with the Consumer Protection from Unfair Trading Regulations 2008. The

Consumer Protection from Unfair Trading Regulations 2008 require you to disclose any information of which you are aware or should be aware of in relation to the property in a clear, intelligible and timely fashion and to take all reasonable steps that all statements that you make about a property, whether oral, pictorial or written, are accurate and are not misleading. All material information (*) must be disclosed and there must be no material omissions which may impact on the average consumer's (*) transactional decision (*) and where information is given to potential buyers or their representatives, it must be accurate and not misleading.q

7k amended to ~~Y~~ou will be liable if you include anything in the sales particulars which you have reason to doubt is correct.q

Viewings

8c amended to ~~±~~.(in Scotland, subject to conclusion of missives) by the seller.

New paragraph 8d ~~±~~When you know the property has been marketed by another agent you should establish if your viewer has previously viewed the property through that or any other agent.q

8h ~~care~~replaced by ~~d~~iligenceq

Offers

9d amended to ~~±~~When an offer has been accepted subject to contract (in Scotland, subject to conclusion of missives)~~õ~~ q

9c amended to ~~±~~By law you cannot make it a condition of passing on offers to the seller that the person wanting to buy the property must use services offered by you or another party~~õ~~ q

Financial Evaluation

New paragraph 10b ~~Y~~ou must put all offers to your seller client even if the prospective buyer has not been financially qualified at that stage.q

Deposits

11a amended to ~~Y~~ou should not take pre-contract deposits. However, in the case of new home sales, you may take into account specific instructions from sellers~~õ~~ q

11c amended to~~q~~Any client money held must~~õ~~ q

Exchange and Completion

13a ~~solicitor~~amended to ~~l~~egal representativeq

Glossary of Terms

New definitions added for ~~±~~Aggressive Behaviour, ~~±~~Average Consumerq ~~±~~Customerq ~~±~~Harassmentq ~~±~~Material Informationq and ~~±~~Transactional Decisionq