

only retained by a consumer to market a property for sale would not be expected to carry out its own survey or do conveyancing checks as part of that marketing service) and

- the limitations of the way the commercial practice is communicated, including constraints of space or time (for example the limit on how much information can be included in a newspaper advertisement) and what measures you take to make the information available by other means.

4.12 Provided you:

- give material information to consumers in good time
- you do not deliberately hide or leave out necessary information when dealing with consumers, **and**
- you take reasonable steps to find out information and to check things out when you discover a problem or are put on notice there might be one, and respond appropriately

you should avoid misleading by omission.

4.13 Crucially, you **cannot** avoid liability for misleading by omission by adopting an 'ask no questions, shut one's eyes and close one's ears' approach.

4.14 To clarify what taking reasonable steps and checking things out might mean:

- There will be some material information that is known to you, obvious to you or easy for you to find out (for example the number of rooms in a property or its location). In these cases you may identify all the material information needed from your knowledge or the checks you undertake personally.
- In other cases, there may still be gaps in the information you have, or you need to check further (in order to give the level of information reasonable for the service you are providing). You may find you need to ask your client or third parties for information, for example where