

4.24 Here are some illustrative **examples of breaches of professional diligence**.<sup>37</sup> It is not an exhaustive list. In each case, the test is whether the average consumer's ability to make an informed decision would be impaired appreciably, materially distorting their economic behaviour.

When you  
advertise for  
new business

- Falsely listing properties as 'Sold Subject to Contract' to create a false impression of your business's success selling properties or displaying a 'Sold' board outside a property you have not sold.
- Leaving details of properties that you have sold on your website or in your office window for a long period of time (to the extent that you create a false impression that you are selling more properties than you actually are).

When you gain  
new clients and  
instructions

- Providing inadequate information to a seller about the legal requirement for certain energy performance information or, in Scotland, for the Home Report (energy report, single survey and property questionnaire).
- Failing to provide adequate information to a seller about the legal requirement to include the details of Green Deal installations in the Energy Performance Certificate.

When you  
market property

- Not carrying out reasonable checks on the accuracy and truthfulness of information that you use in marketing.

When you  
negotiate and

- Training staff to use scripts and/or techniques that are intended to mislead consumers.

<sup>37</sup> The unfair practices highlighted at paragraphs 4.3 – 4.20 above may also contravene the requirements of 'professional diligence'.