

looking to pay for property sales services and have come into contact with you and/or your marketing

- potential or actual buyers or sellers (who are not themselves businesses) who come into contact with you and/or your marketing as you act on your client's behalf.

**KEY POINT** - In the CPRs, 'consumer' goes beyond a client who pays for your services or someone who buys directly from you. It also includes: a prospective client, a prospective or an actual viewer, a potential buyer of your property (for example where you are selling homes you have built), someone who buys or seeks to buy from your client, and someone who sells property to you.

### **Commercial practice**

The CPRs apply to commercial practices where a business<sup>12</sup> is dealing with a consumer or consumers. Commercial practices refer to the activities and conduct of a business that are directly connected with the promotion, sale or supply of a product to or from consumers. A commercial practice may be a single act or omission, or a course of conduct over a long period of time. 'Product' is defined very widely and includes services and immovable property. The CPRs apply to all stages of commercial activity - before, during or after a commercial transaction (if any) in relation to a product.<sup>13</sup> The business or trader need not be selling, supplying or purchasing the product itself, for example it may be an agent acting on behalf of the buyer or seller.

In relation to property sales, you engage in commercial practices when, for example, you advertise your services, offer pre-agreement advice to a client, describe a property for sale, interact with potential buyers,

<sup>12</sup> In this guidance, 'business' is used to mean either a trader or a business.

<sup>13</sup> CPRs 2(1). A commercial transaction is essentially where rights and obligations are created, usually by a contract. It is distinct from a transactional decision (see page 17-18) which is simply a decision in relation to a product and which need not involve any rights or obligations.