

3 OVERVIEW OF THE REGULATIONS

- 3.1 The CPRs and BPRs came into force in May 2008. They apply to businesses⁹ across all sectors, not just businesses involved in the sale of property and land.

The Consumer Protection from Unfair Trading Regulations 2008 (CPRs)

- 3.2 The CPRs prohibit you from engaging in unfair commercial practices in your dealings with **consumers**. There are a number of important concepts in the CPRs that are explained in this section.

Consumers

Consumers are defined as individuals who in relation to a **commercial practice** are acting for purposes outside their trade, craft, business or profession (referred to below as 'business' for shorthand).¹⁰ If they are acting partly for the purposes of their business, but also partly for non-business reasons, it is possible they may still be considered to be consumers.¹¹

In relation to property sales, consumers include:

- clients (who are not themselves businesses) who have contracted to use your property sales services
- potential clients (who are not themselves businesses) who are

⁹ In the regulations, businesses are referred to as 'traders' and are defined as natural or legal persons who are acting for purposes relating to their trade, craft, business or profession. The regulations also apply to anyone acting on behalf of the trader.

¹⁰ CPRs 2(1). If the person with whom you are engaging is acting in the course of their trade, craft, business or profession, then the BPRs may apply.

¹¹ In these situations, property sales businesses should ensure that they comply with the CPRs as the seller or buyer might be a consumer. Complying with the CPRs is also more likely to ensure the requirements of the BPRs are met.