

- 2.6 The CPRs' prohibition on misleading actions is very similar to the prohibition on making false or misleading statements provided by the Property Misdescriptions Act 1991.
- 2.7 The CPRs' prohibition on misleading omissions places an additional duty on you: to provide the 'material information' that the average consumer needs, according to the context, to make an informed transactional decision. [p24-27]
- The average consumer who is thinking of signing a contract with you is likely to need to know such things as: what services you will provide, your fees and charges, your terms of business, and any tie-in period.
 - The average consumer who is considering whether to view a property is likely to need to know, as a minimum: the asking price, location, number and size of rooms, and whether the property is freehold or leasehold.
 - In the most straightforward sales, the material information that you should give to potential buyers may be quite basic (little more than the information described in the bullet above). However, depending on the circumstances of each sale, material facts could include the length of the lease, the level of charges payable under a lease, uncertainties known about title, major structural defects, lack of connection to mains services, etc.
 - At the outset of the marketing process, you are not expected to research issues that are outside your line of business, for example, where your business is marketing property and the issues are ones that a surveyor or conveyancer would investigate. However, should you become aware of such information later on, you cannot ignore or suppress it. If the information is material, you will need to disclose it.
- 2.8 **The BPRs** prohibit you from engaging in misleading activities in your dealings with other businesses. Your advertising to attract new clients is covered as well as your advertising of property for sale. The BPRs also set out the conditions under which you are allowed to make comparisons with your competitors. [p18-19 and 38-40]