

## **5 STEPS TO HELP YOU COMPLY WITH THE REGULATIONS**

- 5.1 If you are treating consumers, business customers and competitors fairly and honestly, then you are unlikely to fall foul of the regulations and will not need to make major changes to your practices. Nonetheless, we suggest that you use this guidance to review your commercial practices and ensure that they are compliant, and to decide for yourself what steps you should take.
- 5.2 In this section, we set out some of the practical steps that we think would help you to demonstrate compliance with the regulations. Following these steps should help you to show that you are acting in an appropriate way and doing what could be reasonably expected of you to treat consumers, business customers and competitors fairly.
- 5.3 What is reasonable to expect of you will depend on the nature of your commercial practice, the services that you provide and the factual context (for example what stage of the marketing or sale process has been reached). At the outset of the property marketing process, it is unlikely that a court would expect you to make detailed enquiries into the issues that a conveyancer or surveyor would look into, for example examining whether the seller has good title to sell or the structural condition of the property – unless, that is, you have led consumers and business customers to believe that these are part of the services that you offer. Later on, you may discover, or be put on notice about, such problems or difficulties with the property, at which point a court might well expect you to make further enquiries about these matters.
- 5.4 Within the scope of your business activities, you need to consider:
- What systems and safeguards you have and should have in place and what steps you can take to ensure that they work in practice, including appropriate staff training.
  - What audit trails you should maintain to help you to demonstrate that you act in a suitably diligent way.
  - What enquiries and checks it will be appropriate for you to carry out in particular circumstances. If you decide not to make enquiries or