

the client before a contract is signed.<sup>44</sup> Give clients adequate time to read any written information you provide.

- 5.20 For property sales businesses that are estate agents under the Estate Agents Act 1979, that Act requires you to inform the client about certain types of information prior to agreement.

## **When you market property**

### **Gathering information for marketing**

- 5.21 Before marketing a property we would expect a property sales business to gather sufficient information about the property in order to market it professionally and appropriately. This information should be gathered carefully and in good faith, and you should not simply rely on information provided by others if this is incomplete or you suspect it may be wrong, or you have grounds to doubt it.
- 5.22 The extent of the information you are required to gather will depend on the circumstances of your business and the services you offer (which should be made clear to a consumer). As set out at paragraph 1.4, while the regulations apply to the full range of property sales businesses, the standards expected to comply with them, and to avoid liability, will depend on the circumstances and, in particular, the level of service that a business provides.
- 5.23 For example, at one end of the spectrum, you may be carrying out a service simply of advertising property for sale by others. If so, you may have a defence to prosecution for any misleading acts or omissions in the advertisement, where you receive the advertisement for publication in the ordinary course of your business (that is, it is drafted by your

<sup>44</sup> Hiding important information in small print may also amount to a breach of the Unfair Terms in Consumer Contracts Regulations 1999, which means that if those terms were considered unfair, the client would not be bound by them.