

Estate agency services — Residential property sales — Specification for the provision of the service

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Foreword

This British Standards Draft for Development has been prepared by BSI under the authority of the Standards Policy and Strategy Committee and provides a specification for estate agency services in the United Kingdom in respect of the sale of residential property.

It has been prepared in response to clearly articulated consumer demand and in consultation with a wide range of industry, consumer and governmental bodies. It has been drafted as a specification in order to provide a rigorous codification of industry good practice, and as a tool for enhancing customer confidence.

Users' attention is drawn to legislation relevant to the subject matter of this Draft for Development. This currently includes:

- The Estate Agents Act 1979;
- The Estate Agents (Accounts) Regulations 1981;
- The Property Misdescriptions Act 1991;
- The Estate Agents (Undesirable Practices) (No. 2) Order 1991;
- The Estate Agents (Specified Offences) (No. 2) Order 1991 and (Amendment) Order 1992;
- The Estate Agents (Provision of Information) Regulations 1991;
- The Town and Country Planning (Control of Advertisements) Regulations 1992 as amended;
- The Town and Country Planning (Control of Advertisement) Regulations 1990;
- The Estate Agents (Provision of Information) Regulations 1991.

This publication is not to be regarded as a British Standard.

It is being issued in the Draft for Development series of publications and is of a provisional nature in order for its application to be tested in an area that has not hitherto been the subject of formal standardization. It should be applied on this provisional basis, so that information and experience of its practical application may be obtained.

Users of this document are invited to make recommendations for improvements and to contribute observations on their experiences of applying it. These will be welcome at any time and will be taken into account in a review of this Draft for Development that will be undertaken not later than two years after its publication. They should be sent to the Secretary of BS committee SVS/0 at British Standards House, 389 Chiswick High Road, London W4 4AL.

Notification of the start of the review period, with a request for the submission of comments from users of this Draft for Development, will be made in an announcement in the appropriate issue of *Update Standards*.

According to the replies received, BSI will judge whether the Draft for Development can be converted into a British Standard or what other action should be taken. This will be judged in the context of European standardization work that is likely to start during the lifetime of this Draft.

This specification does not purport to include all necessary provisions of a contract. Users of this Draft for Development are responsible for its correct application.

Compliance with a Draft for Development does not in itself confer immunity from legal obligations.

Summary of pages

This document comprises a front cover, an inside front cover, pages i and ii, pages 1 to 8, an inside back cover and a back cover.

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1 Scope

This Draft for Development specifies requirements in respect of estate agency services for the sale of residential property, including the provision of:

- pre-instruction or pre-contract information;
- contractual documentation;
- service delivery;
- post-contract activities.

It also includes requirements for the overall management of estate agency services in respect of:

- funds management;
- advertising and promotions;
- liability insurance;
- staffing;
- client relationship management;
- ethical business;
- quality policy and service improvement;
- conformity declaration.

This Draft for Development does not cover:

- the recommendation or provision of financial products or other related services associated with the purchase of property;
- the provision of services related to commercial or industrial premises, nor to property lettings.

2 Terms and definitions

For the purposes of this Draft for Development the following terms and definitions apply.

2.1

residential property

land with buildings, or saleable lease of part or all of a building, used, last used, or to be used for residential purposes

2.2

client

individual, individuals jointly, business partnerships, organization or company that has instructed the service provider to sell a residential property, in the course of a business, on its behalf, in the United Kingdom (excluding the Channel Islands and the Isle of Man)

2.3

service provider

individual, organization or company trading as an estate agent for the purposes of selling residential property, in the course of a business, in the United Kingdom (excluding the Channel Islands and the Isle of Man)

2.4

connected person

employer, principal, employee, agent and any associate including “business associate” as defined within Sections 31 and 32 of the Estate Agents Act 1979

2.5

associate

brother, sister, husband, wife, “partner” i.e. co-habitee in an intimate relationship, aunt, uncle, nephew, niece, parents, grandparents, children and grandchildren, and business associates