

**Primary Authority Partnership**

**Warwickshire County Council Trading Standards**

Old Budbrooke Road, Warwick, CV35 7DP

**&**

**Propertymark**

Arbon House, 6 Tournament Court, Edgehill Drive, Warwick, CV34 6LG

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Primary Authority Advice Reference WTS/PM/TPO/30

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This Primary Authority Advice has been produced by Warwickshire County Council Trading Standards Service, in partnership with The Property Ombudsman and Propertymark, for use by member businesses as an aid to complying with the law. If you follow this advice correctly, your local Trading Standards Service should respect this and not ask you to comply with the law in a different way. If you are contacted by a local authority enforcement body, please inform them that you are a member of the scheme.

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**Advice requested:**

1. Can properties be shown with a 'SOLD' or 'SALE COMPLETED' sticker rather than 'Sold subject to contract' following exchange or completion of a sale?
2. Do we need the new owner's permission to use a recently sold property when creating a 'sold in your road' flyer to send to neighbouring properties?
3. Can previously sold properties be used on a wall display in the office on a long-term basis, or is there a time limit for this?

**Legislation considered:**

Consumer Protection from Unfair Trading Regulations 2008 ('CPRs')

**Other Material considered:**

National Trading Standards Estate and Lettings Agency Team Guidance on Property Sales and Lettings, September 2015, Reviewed August 2020 ('NTS Guidance')

TPO Code of Practice for Residential Estate Agents, 1<sup>st</sup> June 2019 ('TPO CoP')

**Assured Advice Issued:**

1) In answering this question we refer to advertisements inside estate agents' physical premises, and not for sale boards at the property.

The NTS Guidance states that the term 'Sold' can be used only after contracts have been exchanged. Therefore, if a property is 'Sold subject to contract', it should not be advertised as 'Sold' or 'Sale completed', as this would not be true and could be misleading.

'Sale Completed' should only be used for properties where completion has taken place.

2) As far as the CPRs are concerned, there is no barrier to identifying a recently sold property in marketing material, provided the house shown as having been sold was indeed recently sold by the agent using it in their advertising.

Whilst the copyright in the photograph image will likely belong to the agency via its agreement with the photographer, it is a requirement in paragraph 3b of the TPO CoP that you seek the new owner's permission in any canvassing material.

If permission is obtained, we would consider properties to be 'recently sold' for a period not exceeding one calendar month from the date of completion.

3) Previously sold properties can only be used on a wall display or any other canvassing material if the new owner's permission has been obtained in line with paragraph 3b of the TPO CoP.

The NTS Guidance suggests that 'Leaving details of properties that you have sold on your website or in your office window for a long period of time (to the extent that you create a false impression that you are selling more properties than you actually are)', could be a breach of professional diligence.

Our guidance is that a 'long period of time' would be more than one calendar month, starting from the date of completion for properties advertised as 'Sold'.

However, if property marketing material was clearly and boldly marked with the actual date of completion, leaving consumers in no doubt when it was sold, it would then not create a false impression of selling more properties than you are at that specific time.

**Date Advice is Effective from (issue date):** 15 08 2018

**Last Review Date:** 20 10 2020

**Next Review Date:** 19 10 2021

**Primary Authority:** Warwickshire County Council Trading Standards Service



**Co-ordinators:** The Property Ombudsman and Propertymark

**Supporting Regulator:** Not applicable

**For Publication on the Primary Authority Register:** Yes

**Geographic Applicability:** This advice applies throughout the United Kingdom.

**Scope:** This advice is applicable to all member businesses.

**How to obtain up to date copies of this advice:** Current copies of this advice may be obtained via the member organisations' websites:

[www.tpos.co.uk/members/assured-advice/assured-advice-information](http://www.tpos.co.uk/members/assured-advice/assured-advice-information)

and

[www.propertymark.co.uk/working-in-the-industry/primary-authority-advice/](http://www.propertymark.co.uk/working-in-the-industry/primary-authority-advice/).