

**NATIONAL  
TRADING  
STANDARDS**

**Estate and Letting  
Agency Team**

Protecting Consumers  
Safeguarding Businesses

# **Material Information in Property Listings (Sales)**

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Guidance for Estate Agents

November 2023

Version: 1.0

Version	Date	Comments
1.0	November 2023	Original as published



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This publication is also available from our website at: [www.ntselat.uk](http://www.ntselat.uk).

The contents of this guidance does not constitute legal advice, merely the application of the law as interpreted by the National Trading Standards Estate and Lettings Agency Team; only a court of law can provide certainty.

## **Foreword**

Since the introduction of the Consumer Protection from Unfair Trading Regulations in 2008, all businesses in the UK have been under a legal duty not to omit or hide information which is material to a consumer's transactional decision. For sales and letting agents this has proved to be particularly challenging given that they are marketing property for which there is often a range of information which may be material to the average person. For years, property agents have grappled with what information they should be providing, how it should be provided, and when it should be disclosed.

In late 2020, The National Trading Standards Estate and Letting Agency Team formed an industry steering group to interpret and make recommendations to industry on what constitutes material information in relation to property sales and lettings, and how such information can be sourced and displayed. It has been a truly collaborative approach, and I would like to thank all those who were involved in the process – in particular our team members and of course the property industry and agents themselves who made such a significant contribution. This guidance is the culmination of that work.

Material information is not a new concept; this guidance is based on existing legislation.

By adopting this guidance, property agents will help to improve the home buying and renting process. This will lead to more informed customers, fewer complaints, and ultimately greater trust and compliance in the industry and those who work in it.

This guidance is a culmination of the work of the steering group, and it is what the National Trading Standards Estate and Letting Agency Team considers to be good practice and will be updated as appropriate. It is not intended to be an exhaustive list of what constitutes material information; rather, it is designed to assist property agents in their interpretation of material information.

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This document is produced alongside the companion guidance for Letting Agents.

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## Introduction

This guidance is aimed at property agents and will assist industry stakeholders to comply with their obligation to include material information on residential property listings. This guide should be considered alongside the NTSELAT [Guidance for Property Sales and Lettings](#), the Consumer Protection from Unfair Trading Regulations 2008 (the “CPRs”), any professional obligations (e.g., redress scheme membership), as well as any other relevant legislation.

This guidance provides NTSELAT’s view, in collaboration with our industry steering group, on what things could be considered material information in **residential** property listings. To assist agents, we have provided additional information and useful links to help them identify and decide what to disclose.

Property agents should consider the context and circumstances of each property listing (e.g., the location, the likely buyer, or who the property advert is likely to attract) to determine what is material in that situation.

Each section of this guidance has a clear statement as to what NTSELAT, in collaboration with our industry steering group, views as material information.

In time, the aim is that listings without the required minimum information will be prevented from being uploaded onto online portals. However, this does not mean that consumers are prevented from making complaints about incomplete or missing information from property listings, as this is already an established requirement within the CPRs.

Since the announcement we have also published some [frequently asked questions](#) along with our opinion on the use of “[Price on Application](#)”, or POA.

Legislation may change over time and any guidance provided is based on the information available at the time this document was produced. It is not necessarily comprehensive and is subject to revision in the light of further information and judicial findings. This guide is not an exhaustive explanation of your duty to include material information in your property listings and you should seek independent legal advice where necessary. Only the courts can interpret statutory legislation with authority and no legal liability can be taken for the information provided.

Property agents may wish to review, and make available to their clients and customers, the following guidance produced by the Department of Levelling Up, Housing, and Communities (DLUHC).

- [How to sell a home](#)
- [How to buy a home](#)

## What is material information?

Material information is defined in the CPRs as “*information which the average consumer needs, according to the context, to take an informed transactional decision*”<sup>1</sup>. This means any information which would impact the decision that a consumer makes in relation to a property, such as arranging a viewing, putting in an offer to purchase and proceeding with any other

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<sup>1</sup> Regulation 6(3) [The Consumer Protection from Unfair Trading Regulations 2008](#)

aspect of the process. However, this does not necessarily include information that the consumer wants to know because of their personal circumstances and preferences.

Material information can be positive or negative in nature and including information on a listing should not be avoided because it may deter interest or take longer to secure an offer.

It is in the interests of all concerned to disclose material information to prevent a failed transaction at a later stage. It will also mean that the initial enquiries received for a property are genuine, because the potential buyer is interested in the property based on the information that they have seen on the listing.

Potential clients (i.e., sellers) should be reassured that including material information on the listing is required to comply with the law and to ensure that any transaction can proceed smoothly, without delay. To help explain material information to buyers and sellers, we have produced “quick guides”, available separately, which can be given to them.

Prior to the introduction of the CPRs in 2008, the Property Misdescriptions Act 1991 made it an offence to make false or misleading statements in the course of estate agency business when advertising property for sale. These provisions did not account for failing to include information within a property listing, and the Act was repealed in October 2013. The CPRs make it an offence to omit or hide material information, or to provide it in a manner that is unclear, unintelligible, ambiguous or untimely. The CPRs do not include a prescribed list of material information as this varies with each business-to-consumer interaction.

## **What are your responsibilities regarding material information?**

Property agents should ensure that they proactively request material information to create the property particulars. Verification checks should also be carried out on the information that is provided to ensure that it is accurate (e.g., obtaining title information to confirm ownership, or verifying with local knowledge).

The material information should be prominently and clearly displayed in the property listing and should not be hidden, unclear or ambiguous as any of these failures could cause liability for a misleading omission which is a criminal offence under the CPRs.

It is also an offence to provide material information in an untimely manner; property listings should be updated, and interested parties informed, as soon as possible when material information becomes known or has changed - including on property portals, an agent's own website, and any property particulars.

Property information questionnaires (PIQs) (e.g., the Law Society's TA6 form, the Home Buying and Selling Group BASPI, or the Propertymark PIQ) can be used to request the details needed to list the property. If an agent has their own questionnaires, then current documentation should be reviewed to ensure that material information is being obtained prior to the property being listed.

Agents should also consider the information provided to prospective buyers at all stages of the transaction and in all forms of communication with them. This can include the accuracy of virtual viewings and the information provided to customers on the telephone, in person, in writing and during viewings of the property. We advise that an accurate record of all interactions with consumers is kept.

The CPRs will apply to any property listing which is being marketed by a business based in the UK.

Parts B and C material information may require, where applicable, the engagement of a conveyancer or surveyor, which can either be via the client themselves, or via any additional services offered by the property agent. If such a service is provided, any charges should be outlined and explained to the client up front and displayed clearly on any advertising medium.

## Which property listings need material information?

All residential property listings should include material information, including those on property portals, property agent websites, third party websites, and printed material.

The CPRs take account of the limitations of the medium used, such as available space to include all relevant information. For example, a single A4 sized paper advert in a window may have less detailed information than an online advert. However, agents should consider the priority that is given to the material information that is included in communications. Where space is limited, reference should be made to where or how the relevant material information may be found.

In developing this guidance, the main UK property portals have been able to determine how this information is captured and displayed on their platforms. Agents can also determine how to do this on their own websites and printed material.

We consider that all Part A information is material to all listings (price, tenure, and council tax/rates). This information should be available on the first page of a property listing and the property portals so that it is prominently displayed.

Part B and C material information, where relevant, should also be prominent, but this guidance does not intend to specify how this should be displayed; however, Part B and C information should not be more than one click away for a consumer to access for online listings.

## What about Energy Performance Certificates (EPCs)?

EPC ratings should be included on a property listing (unless exempt).

As the relevant legislation may allow for a period of time for the EPC to be obtained if there isn't one (e.g., in England and Wales), the EPC rating has not been included within the published list of material information at this time. Agents should ensure that they are compliant with the existing timescales for obtaining an EPC, where relevant, and update the property listing once it is received.

The online EPC register is [here](#) for England, Wales and Northern Ireland and [here](#) for Scotland.

## Obtaining and Verifying Information

We recommend that property agents take steps to ensure their clients are identified as the person or people with the right(s) to sell the property. This might be achieved by checking clients' identification against the property title or deeds, or by checking relevant lease agreements or contracts.

Where possible throughout this guidance, reference has been added to where property agents and owners/sellers might obtain and/or verify the information from to be included on a property advertisement.

In general, this includes some of the following sources:

- Asking the seller/owner (verify the information against other sources, where available)
- HM Land Registry Title documents and boundary plans
- Local Authorities (through [Local Authority search](#))
- The Local Authority Planning Team/portal
- Water and Drainage Authorities (through [Water and Drainage search](#))
- [The Coal Authority](#)
- [The Environment Agency](#)

Property agents can outsource the collation and verification of material information to third party suppliers, where relevant and necessary. If there are any additional costs to the client for the provision of these services, those costs should be reasonable, transparent, and not hidden.

However, there is nothing to prevent the seller from obtaining the information (a copy of the title/lease) themselves and providing a copy to the agent at the beginning of the process, when in contract. This should also be subject to verification by agents to satisfy due diligence requirements.

# Section 1

## “Part A” Material Information

Part A information is information that, regardless of outcome, is material information in all circumstances. This is to ensure consumers can make an informed decision whether to look further at any property.

This includes:

- Council Tax band or Domestic Rate information;
- Asking price; and
- Tenure

### 1. Council Tax or Domestic Rates

NTSELAT's view is that the Council Tax banding / Domestic Rates are always considered material information for every property listing.

**Additional information (including useful links):**

#### **1.1. Council Tax band (in England, Wales and Scotland)**

The Council Tax band for the property should be displayed on the listing. The seller should know this and it can be confirmed by checking online via [GOV.UK Tax Service](#) for England and Wales and via the [Scottish Assessors Association \(SAA\)](#) for Scotland.

For some properties, there is a possibility the Council Tax band is due to increase due to major works on the property. Check should be made with the property seller/owner to confirm if there have been any significant changes to the property which might affect its banding. Further information can be found on [GOV.UK](#) (for England and Wales) and on the [Scottish Assessors Association \(SAA\)](#) (for Scotland).

The Council Tax band may be deleted in certain circumstances<sup>2</sup> and if this is the case, this should be clearly stated on the listing.

Some properties may be exempt from Council Tax in limited circumstances<sup>3</sup>. If the property is exempt from Council Tax, the reason for this may be material information and should be disclosed (e.g., a prohibition order which prevents its use until compliance with the order).

Property agents should include whether a property is subject to a Council Tax (Empty Homes) Premium<sup>4</sup> (where relevant) in the property description.

<sup>2</sup> [Council Tax: domestic properties which are in disrepair or are derelict](#)

<sup>3</sup> [The Council Tax \(Exempt Dwellings\) Order 1992](#)

<sup>4</sup> <https://www.gov.uk/council-tax/second-homes-and-empty-properties>

## **1.2. Domestic Rates (In Northern Ireland)**

Information about the rates should be included on the listing. The property valuation can be checked online via [Department of Finance \(NI\) – Property Valuation](#) and the existing property owner will also be able to confirm the details. Further information is also available online via [A guide to rates](#). Property agents can decide the payment period to display, as long as it is accurate based on the property valuation information at the time of the listing.

## **1.3. New builds and Council Tax / Domestic Rates**

The Council Tax band/property rates may not be known at the point of listing for new build properties but should be updated once it is known. Property agents may wish to add a qualifying statement to the property description (e.g., “*new build – Council Tax/rates not yet available*”).

## **2. Asking price**

NTSELAT’s view is that the asking price is always considered material information for every property listing.

### **Additional information:**

The asking price should be listed as a numerical amount on the listing.

Properties could be advertised with a price range, as long as it is a true and accurate reflection of the market value and not an attempt to increase interest for the property, for example if the lower price band would put the property in a lower stamp duty category.

Pricing information is given in many formats, for example, “*offers in the region of*” and “*offers in excess of*”. We have previously published [our opinion](#) on the use of Price on Application or “POA”.

If there are other financial liabilities associated with the property or the purchasing process, like a reservation fee, or contributions to communal areas in a freehold property, this should be included on the listing.

### **2.1. Price and new build properties**

New build property developments may be advertised before any building work has begun and “*coming soon*” may be used for initial advertising, but should be updated once an asking price is known.

Details of any relevant reservation fees, service charges, estate rent charges, and any costs associated with commonhold assessments or levies should be included.

You can find further information about misleading marketing or mis-selling (e.g., in relation to incentives offered by developers) in our published “[Guidance on Property Sales and Lettings](#)”.

### 3. Tenure

NTSELAT's view is that the property tenure is always considered material information for every property listing.

#### Additional information:

The tenure of the property should be contained on the property listing (e.g., "freehold", "leasehold"). This refers to the way in which the property will be legally owned, and it affects the legal rights and associated costs with the property.

The different options of tenure are:

- Freehold, known as "heritable title" in Scotland
- Leasehold
- Shared ownership
- Commonhold
- Non-traditional tenure

See below for further information on each tenure type.

#### 3.1. Freehold

Freehold means that the seller owns the property and the land on which it is built. The owner will usually be responsible for maintenance of the property and land and have more freedom to alter it, subject to local planning restrictions.

There are other aspects of freehold title which may be relevant in some properties which are briefly covered below. If these apply to the property, they should also be disclosed on the listing.

##### **Freehold with managed common areas**

Some freehold properties may have common areas which are managed on behalf of all the properties which are permitted to use / access them, such as a car park, garden areas, staircases, and lobby/reception areas. If there are fees payable in respect of this, these should be included on the listing. The property owner should know these details.

##### **Flying / creeping freehold**

This means that part of the property being sold overhangs or lies below another property which is under different ownership, for example a room over a shared passageway (e.g., a coach house) or a ground floor room which is below a neighbour's first floor property (e.g., basement or basement room). There may be implications with mortgage availability and home insurance and the prospective buyer will also have to consider ongoing maintenance of the property, including access arrangements.

##### **Tenure in Scotland**

In Scotland, ownership of property, including flats in a block, is different to England, Wales and Northern Ireland. Property is owned outright, which is comparable with freehold ownership and known as "heritable title".

### **3.2. Leasehold**

A leasehold creates a legal interest in a property. The leaseholder at the end of, or during, the leaseholder may have the right to extend the lease for a price if they wish. The lease will specify what maintenance the parties are responsible for, and the leaseholder is likely to need the landlord's permission to alter their home both internally and externally. The leaseholder will usually pay additional regular charges such as ground rent, service charges and contributions to a sinking fund. These are explained further below.

Further information about leasehold properties can be found online via [The Leasehold Advisory Service](#).

As well as stating that the property is leasehold, property agents should also specify:

#### **Current ground rent and any review period**

Information about current ground rent payments and the associated review period should be included in the listing.

The seller/owner should be able to provide this information as they will be liable to pay it. It is important to state the review period and the date of the next review. The review date does not always run in line with the purchase date.

[The Leasehold Reform \(Ground Rent\) Act 2022](#), which applies to England and Wales, restricts ground rents on leases newly created after 30<sup>th</sup> June 2022 (or April 2023 for retirement homes) to an annual rent of one peppercorn (effectively to zero financial value), which can be verified with the seller and in the lease.

#### **Current service charge information**

Information about current service charge payments should be included in the listing.

The seller/owner should know this information as they will be liable to pay it and information should also be contained in the lease. Service charges may be fixed or variable and the lease will usually give the service charge period and how often the payments are due; the way in which payments are required will vary with each property.

Some leasehold management arrangements include contributions to a reserve or sinking fund which will be used to mitigate known or planned works. Property agents can check this with the lease administrator.

#### **Length of lease (also known as the “term”)**

Details regarding the length of the lease should be contained in the listing.

The length of the lease will be stated in the title documentation for the property and also on the lease itself.

It is important that potential buyers know the remaining years left on the lease because this could affect their ability to obtain a mortgage, or they may face difficulties when they come to sell the property in the future.

### **3.3. Shared ownership**

As well as stating that a property is sold under “shared ownership”, information about the percentage share of the property being sold and rent payable, and any additional liabilities or obligations should be included on the listing.

Shared ownership properties are a form of leasehold home ownership. The buyer will own a share of the property and will pay rent on the share of the property retained by the landlord. The buyer may be able to purchase additional shares in the property, until they own 100% of the equity, which is known as “staircasing”.

It is important to note that there are different schemes in some of the devolved nations, so any scheme that falls within this bracket should be highlighted.

Shared ownership properties will usually require payment of a service charge and the seller should have details of this based on their current payments.

Further information regarding shared ownership can be found online via [The Leasehold Advisory Service](#).

### **3.4. Commonhold**

Information about any commonhold arrangements should be included in the listing.

The freehold estate is owned in common land of the property, the commonhold unit, and a commonhold or residents’ association will own and manage the common parts of the estate. There is no limit on the length of ownership with commonhold tenure.

There is specific legislation in respect of commonhold property<sup>5</sup> and further information regarding commonhold can be found online via [The Leasehold Advisory Service](#).

#### **Shared freehold / share of freehold**

The seller may own a share of the freehold for the building their property is in, as well as the individual leasehold property which they occupy. Multiple leasehold owners will own a share of the freehold so there is a collective responsibility in respect of the freehold.

Additional charges and fees may still be payable for the communal areas. The seller should have details of this, and property agents can also check the title documents for more information.

### **3.5. Non-Traditional Tenure**

Information about any non-traditional tenures should be included in the listing.

“Non-traditional tenure” captures those properties which are neither leasehold, nor freehold, nor commonhold (e.g., riverboats and park homes).

Privately owned park home sites should have a licence, which the owner should prominently display.<sup>6</sup> Prospective purchasers of park homes and riverboats may have additional considerations such as licence availability, licence costs, mooring costs, and the availability of relevant insurance products.

#### **Useful links:**

- [Park \(mobile\) homes: Your rights and obligations - GOV.UK \(www.gov.uk\)](#)
- [Licence your boat | Canal & River Trust \(canalrivertrust.org.uk\)](#)

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<sup>5</sup> [The Commonhold Regulations 2004](#) and [The Commonhold \(Amendment\) Regulations 2009](#)

<sup>6</sup> <https://www.gov.uk/park-mobile-homes>

## 4. Additional information about tenure

Properties/land may be registered or unregistered. If the property is registered, then information can be obtained online for a small fee from [Land Registry](#) (England and Wales), the [Land Register of Scotland](#) or [Land Registry](#) (Northern Ireland).

If the property is unregistered then the current property owner, their conveyancer or their mortgage lender/bank may hold the title deeds to the property.

You should check that the boundary of the property on the title plan is representative of the land and property being sold. If there are any discrepancies between the title plan and the area of land/property being sold, the seller should speak to a conveyancer and/or the relevant land registering organisation.

# Section 2

## “Part B” Material Information

Part B information should be established for all properties and is considered material information generally where the information may involve some cost of maintenance or repair, affect mortgage availability, or affect the availability of relevant insurance products, or affect the use or enjoyment of the property. This is to ensure consumers can make an informed decision whether to look further at any property.

This includes:

- The physical characteristics of the property
- The number and type(s) of room
- Utilities
- Parking

This list is not exhaustive, and property agents should disclose **any** information which is material information (see “[What is Material Information?](#)”, above). This list is intended to support industry by providing a **minimum** framework of information that NTSELAT considers should be disclosed to consumers on property listings.

Where reference is made to any “known” issues, it is in relation to the property agent’s knowledge, but infers that the agent has made reasonable enquiries to determine the facts of the matter in question. This should be from enquiries made with the property owner/seller and from the agent’s local knowledge, for example.

### 1. Physical characteristics of the property

#### 1.1. Property type

NTSELAT’s view is that the property type is always considered material information for every property listing.

#### **Additional Information:**

A listing should include an accurate description or statement as to the property’s type.

Some *common* examples of property type include (the list is not an exhaustive list):

- Semi detached
- Terraced
- Bungalow
- Studio

- Flat/apartment

The property type will affect whether further consideration needs to be given to things such as leasehold costs on flats compared to houses etc. Where non-standard property types are used then additional information should be given in free text format.

If the property forms part of a taller building (e.g., an apartment in a block of flats) the floor on which the property is located should be stated. Details should also be given if the property is located over a commercial premises as this may impact mortgage availability.

**Useful links:**

- [Search for land and property information - GOV.UK \(www.gov.uk\)](http://www.gov.uk)
- [RICS Find a Surveyor - Residential property types definitions \(ricsfirms.com\)](http://ricsfirms.com)
- [ScotLIS - Registers of Scotland \(ros.gov.uk\)](http://ros.gov.uk)

## 1.2. Material type / materials used in construction

NTSELAT's view is that the material type / materials used in construction is potentially material information where there is an impact on the buyer.

**Additional Information:**

A listing should include an accurate description or statement as to the property's construction materials/type, where there is a known consideration in the property. A "known consideration" may be, for example, something to do with property materials that knowingly impacts the buyer's enjoyment of the property, mortgage availability, or the availability of relevant insurance products.

Some common examples of construction type/materials used include (the list is not exhaustive):

- A thatched roof
- Prefabricated buildings
- Timber framed windows

A listing should allow consumers to clearly understand the general material makeup of the property, which may be achieved through comprehensive photography (e.g., all aspects, elevations, internal and external rooms). However, photography should not be used to avoid disclosing detail of materials used that will knowingly impact a buyer.

## 2. Number and type(s) of room(s)

NTSELAT's view is that the numbers and types of room are always considered material information for every property listing.

**Additional Information:**

A listing should include an accurate description or statement as to the number and type(s) of each room in the property.

Descriptions may include the intended or current use of a room but should include a room size with detail as to how the measurement was achieved (e.g., between internal walls). Property agents may wish to use a floor plan diagram to display this, instead of written measurements in the property description.

Where relevant, the descriptions should highlight areas that are affected by room shape, such as bedrooms affected by the slope of a roof/ceiling.

Rooms should not be listed as “bedrooms” if they have not met building regulations to be considered as such. Where unsure, building regulations and planning documents should be checked, or advice sought from the local council.

#### Useful links:

- [Does the law set a minimum bedroom size in England? \(parliament.uk\)](https://www.parliament.uk)
- [Building standards technical handbook 2019: domestic - gov.scot \(www.gov.scot\)](https://www.gov.scot)
- [General Needs Housing | Department for Communities \(communities-ni.gov.uk\)](https://www.communities-ni.gov.uk)
- [RICS Code of Measuring Practice \(rics.org\)](https://www.rics.org)
- [RICS Property Measurement](https://www.rics.org)

### 3. Utilities

NTSELAT's view is that the supply and provision of utilities can potentially be material information.

Consumers can reasonably assume that unless stated otherwise, a property is connected to a mains supply (where relevant). If it is not, then the type of supply is considered material information.

#### Additional Information:

##### 3.1. Electricity supply

A listing should include an accurate description or statement as to the nature of the supply (or supplies) of electricity to the property.

Some *common* examples of electricity supply include (the list is not exhaustive):

- Wind turbine(s)
- Solar PV (Photovoltaic) panels
- Generator/private supply (including a supply type)

Information regarding any storage batteries, electric vehicle charging, and details of how the supply or installation has been provided (i.e., if they are on a lease arrangement with a third-party) should be included on the listing.

The owner/seller should be able to provide this information to the agent.

### 3.2. Water supply

A listing should include an accurate description or statement as to the nature of the supply (or supplies) of water to the property for domestic purposes<sup>7</sup>.

Included in the description or statement should be whether or not the supply is metered.

Some *common* examples of water supply include (the list is not exhaustive):

- Wells
- Boreholes
- Springs

These supplies may bring liabilities for the control or maintenance of structures and water quality that is binding on the homeowner depending on the requirements of the devolved nation and local authority. (e.g., Under [The Water Industry Act 1991](#)<sup>8</sup> in England and Wales).

If the source of the water supply originates beyond the property boundary, the property listing should include relevant information regarding any issues with accessing the supply for maintenance or repair (e.g., disclosing any relevant easements, wayleaves, or public rights of way that allow for access) (see [Section 3 – Material Information Part C](#), below, for more information).

#### Useful links:

- [Private Water Supplies - Drinking Water Inspectorate \(dwi.gov.uk\)](#)
- [Private Water Supplies \(dwqr.scot\)](#)
- [Private water supplies | Department of Agriculture, Environment and Rural Affairs \(daera-ni.gov.uk\)](#)

The existing property owner should be able to provide this information to the agent, and title documents, lease agreements, and deeds can be checked for rights/restrictions over the land.

### 3.3. Sewerage

A listing should include an accurate description or statement as to the nature of the sewerage arrangements at the property.

Some *common* examples of sewerage include (the list is not exhaustive):

- Septic tank (including tank type)
- Domestic/small sewage treatment plants (including plant type)
- Cesspit
- Cesspool

Septic tanks and cesspits/cesspools may require emptying and maintenance, and costs will vary between providers; and septic tanks or sewage treatment plants may have additional registration and record keeping requirements.

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<sup>7</sup> “Domestic purposes” is defined by the [Drinking Water Inspectorate](#) in England and Wales as “drinking, washing/bathing and showering, washing of laundry, toilet flushing and central heating”.

<sup>8</sup> Including [The Private Water Supplies \(England\) Regulations 2016](#).

Responsibility for the drains within the property boundary should be disclosed – as potential buyers may want or need to take out additional insurance.

#### Useful links:

- [Septic tanks and sewage treatment plants: what you need to do: General binding rules for septic tanks and small sewage treatment plants - GOV.UK \(www.gov.uk\)](#)
- [Public and private sewers - Ofwat](#)
- [Who is responsible for repairing drains and sewers - Citizens Advice](#)
- [Septic tanks and private sewage treatment systems | Scottish Environment Protection Agency \(SEPA\) \(Scotland\).](#)
- [Sewerage services | nidirect](#) (Northern Ireland)

The existing property owner should be able to provide this information to the agent.

### 3.4. Heating

A listing should include an accurate description or statement as to the nature of the supply (or supplies) of heating at the property.

Some *common* examples of heating type include (the list is not exhaustive):

- Electric central or room heating
- Communal heating systems (heat networks, and community/district heating system(s))
- LPG/oil central heating (tanks and/or bottles)
- Wood burner/open fire
- Biomass boiler
- Solar panels and related technology
- Ground or air source heat pump

Different heating sources have specific considerations and may require regular maintenance and servicing, and all sources of heating should be detailed. Where relevant, property agents should state whether there are different arrangements for water heating and space heating. For example, the property may have a gas boiler for heating water, but only have electric radiators for the rooms.

#### Communal heating systems

Where a communal or district heating and/or cooling system is provided in a property (e.g., in a managed block of flats), the listing should include information about:

- How the cost of the heating supply is to be charged (e.g., will the prospective buyer be charged based on usage; through a general apportionment; or through a service charge?)
- Whether the prospective buyer will have any control over the energy provider.
- Whether the prospective buyer will have any control over the heating (i.e., can they turn it on and off?)

It is likely that the energy for a communal or district system will be supplied to the property under a commercial contract through the freeholder or block manager, and the consumer

will have little control over its management but be liable for costs. Consumers should be made aware of this.

If any of the heating equipment is leased and not owned outright (e.g., if the solar panels are leased from a third party or company), then this should be included on the property listing.

#### Useful links:

- [Types of domestic heating system - Designing Buildings](#)
- [The Best Heating For Your Home - Which?](#)
- [Heat networks - GOV.UK \(www.gov.uk\)](#)

The existing property owner or block manager should be able to provide this information to the agent.

### 3.5. **Broadband**

NTSELAT's view is that the nature of the supply of broadband can potentially be material information.

#### Additional information:

A listing should include an accurate description or statement as to the nature of the supply (or supplies) of broadband to the property.

Some *common* examples of broadband type include (the list is not exhaustive):

- ADSL copper wire
- Cable
- FTTC (fibre to the cabinet)
- FTTP (fibre to the premises)

Broadband installation type may be available from [Fibre broadband | Openreach](#).

Where a property has an exclusive or dedicated broadband supplier (e.g., on a new build property estate), a property listing should include whether the buyer has the ability to change provider on the open market.

Where there is no primary broadband infrastructure/supply, property listings should include other relevant options that allow internet connection (e.g., satellite or mobile).

For an indication of specific speeds and supply or coverage in the area, we recommend signposting potential buyers to the [Ofcom checker](#).

#### Useful links:

- [Broadband basics - Ofcom](#)
- [Mobile and Broadband checker - Ofcom](#)
- [Broadband and connectivity - Digital - gov.scot \(www.gov.scot\)](#)
- [Broadband and mobile checker | nidirect](#)

The existing property owner should be able to provide this information to the agent.

### 3.6. **Mobile signal/coverage**

NTSELAT's view is that issues with mobile signal or coverage are likely to be material information.

#### **Additional information:**

A listing should include an accurate description or statement as to the nature of the mobile signal and coverage available at the property, including any known issues or restrictions.

Sellers and agents should disclose any known issues with mobile phone signal, such as areas of restricted coverage specific to a property.

For an indication of specific speeds and supply or coverage in the area, we recommend signposting potential buyers to the [Ofcom checker](#).

#### **Useful links:**

- [Broadband and mobile coverage checker - Ofcom](#)
- [Improving your indoor coverage - Ofcom](#)
- [Broadband and mobile checker | nidirect](#)

The existing property owner should be able to provide this information to the agent.

## 4. **Parking**

NTSELAT's view is that provision of parking is always considered material information for every property listing.

#### **Additional information:**

A listing should include an accurate description or statement as to the availability (or otherwise) of the parking at the property.

Some *common* examples of parking include (the list is not exhaustive):

- Drive
- Garage
- Street parking (permit/no permit required)
- Communal car park (with or without allocated spaces)
- No parking available

A property may have more than one option and all options should be clearly listed in the property description. If car parking forms part of any service charge, it should be included in the service charges details and if it is a separate payment, this should also be included.

Details of where allocated parking is in relation to the property should be included, along with the presence of any designated disabled parking spaces (e.g., on-street dropped-kerb disabled bays) where known.

It is advised that property agents include information relating to existing or potential electric vehicle (EV) charging at the property.

Where a property can obtain a parking permit (e.g., in a local authority Residents' Parking Zone) the buyer should be made aware where there is a cost or limitation in obtaining one.

Agents may wish to add whether the parking space is included in the title deed or whether there is a separate deed/contract for the parking space.

Some properties may have access to other car parks; however, this is not considered the same as a communal residential car park. It is important for consumers to be made aware that this may bring additional insurance costs and should therefore be disclosed.

The existing property owner should be able to provide this information to the agent.

# Section 3

## “Part C” Material Information

Part C information **may or may not** need to be established depending on whether the property is affected or impacted by the issue in question.

This section applies to properties affected by the issue itself, for example, because of the location of the property.

We acknowledge that property agents are not experts in the fields below and are generally not qualified to interpret title deeds and associated contracts, or to make judgements on building safety.

Where a matter in this section is identified and further information is required, we recommend that property owners/sellers and agents seek the services of qualified professionals (including, where relevant, a surveyor or conveyancer) to assist with the interpretation of the matter identified.

This includes:

- Building safety
- Restrictions and rights
- Flood and erosion risk
- Planning permission and proposals for development
- Property accessibility and adaptations
- Coalfield or mining area

This list is not exhaustive, and property agents should disclose **any** information which is material information. See “[What is Material Information?](#)” (above) for more information. This list is intended to support industry by providing a **minimum** framework of information that should be disclosed to consumers on property listings if it affects the property in question.

For the avoidance of doubt, property listings **do not** have to include the following information **unless** it affects the property being advertised.

Where reference is made to any “known” issues, it is in relation to the property agent’s knowledge, but infers that the agent has made reasonable enquiries to determine the facts of the matter in question. This should be from enquiries made with the property owner and from the agent’s local knowledge, for example.

### 1. Building safety

NTSELAT’s view is that any known building safety issues are material information.

**Additional information:**

A listing should include, if relevant, an accurate description of any known building safety issues as well as any planned or required works needed to rectify any identified defect/hazard.

Some *common* examples of building safety issues include (the list is not exhaustive):

- Unsafe cladding
- Integrity of building materials used in construction (e.g., asbestos)
- Risk of collapse (e.g., damaged roofs or structural failures)
- At-risk wooden decking for external structures (including balconies)
- Lack of emergency lighting where required
- Insufficient fire/smoke alarm systems

This is a broad area and is **not limited** to only fire safety in tall buildings. While this guidance takes a particular focus on leasehold properties in tall buildings, this section relates to any issue of safety in a residential building that is material information and, generally, building safety issues that may impact the buyer's cost of repair or maintenance; the availability of mortgage products; the availability of relevant insurance products; or the buyer's peace, privacy, or enjoyment of the property.

Where multiple issues are found to be present, all should be listed. These issues can be complex so should be explained in simple terminology that is easy to understand and the scale of any remediation or development work made clear.

In some cases, building safety work may have already been completed (e.g., remediation to unsafe cladding on a tall building) and it is recommended to obtain a copy of the completion certificate.

Where there are identified building safety issues you should be able to answer this list as a bare minimum:

- What is the defect/hazard?
- What work needs to be done?
- What work has already been done?
- What will the potential cost be to the new purchaser?
- Will it affect the buyer's ability to reside within the property? (i.e., will they need to move into temporary accommodation whilst works are undertaken?)

The costing of work and who is liable to pay for any remediation or waking watch fire patrols can be very complex. If the estimated cost isn't already known, the listing should warn prospective buyers that there may be (potentially) considerable costs of repair or remediation, which can sometimes be in the thousands or tens of thousands of pounds.

The tragedy of the Grenfell tower disaster in 2017 has brought around widespread attention and legislative changes to building safety via the introduction of the Fire Safety Act 2021<sup>9</sup> and the Building Safety Act 2022<sup>10</sup>. They have been introduced to increase the safety of both high-

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<sup>9</sup> [Fire Safety Act 2021 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/legislation/fire-safety-act-2021)

<sup>10</sup> [The Building Safety Act - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/legislation/building-safety-act-2022)

rise buildings and any building containing two or more domestic premises. These buildings can be categorised into three main sections.

- Buildings  $\geq 18\text{m}$  or that has at least 7 storeys
- Buildings  $11 < 18\text{m}$
- Buildings  $< 11$  meters or under 5 stories

**Useful links:**

- [The Building Safety Act - GOV.UK](#)
- [Building Safety Act 2022 Advice & Guidance | CIOB](#)
- [Building Safety Act 2022 and residential conveyancing | The Law Society](#)

A proportion of these buildings do not comply with the new legislation introduced so are either currently being adapted or due to be adapted to meet the new requirements. This comes with potential expenditure and disruption. It is vital for anyone considering buying one of these properties to have the answers to these questions.

- What work has already been completed in order to make it compliant with new and existing building safety legislation?
- What work needs to be done or is planned to be done to the building to remedy any concerns?
- What are the financial implications of purchasing this property?
  - Any waking watch costs due?
  - Any quotes received or estimated costs of works to be done?
- What will the disruption be to the property whilst the building work is ongoing?
- What will my responsibility be to the safety of this building?

Some of these questions will be more complex than others due to the uniquely complex situation of each building.

**Useful links:**

- [Cladding External Wall System \(EWS\) FAQs \(rics.org\)](#)
- [What Is An EWS1 Form - HomeOwners Alliance](#)
- [The Cladding External Wall System \(EWS\) \(parliament.uk\)](#)

**What are the financial implications of purchasing this property?**

The actual or expected cost of remediation or mitigation for any relevant building safety issue should be disclosed where the liability for payment falls to the prospective buyer. Where the actual cost is not known, property agents should at a minimum include a statement to the effect that costs may be due.

In some cases, costs for building safety remediation or mitigation may be capped to a certain amount for a leaseholder.

**Useful links:**

- [Leaseholder protections on building safety costs in England: frequently asked questions - GOV.UK](#)

In some cases, prospective buyers may need to vacate the premises to allow for certain remediation or building work to be carried out. If this is known, the duration and scope of this should be disclosed.

A Leaseholder Deed of Certificate (LDoC) ascertains whether the lease is qualifying or non-qualifying under the Building Safety Act 2022, based on information about the owner on 14 February 2022. The qualifying status of the lease will determine whether, if any, costs can be passed on to the current or future owners of the lease. In a property over 11 metres or 5 storeys+ it would be advisable to ask the current owner to fill out a LDoC, if there are building safety issues or any suspected issues.

#### Useful links:

- <https://www.gov.uk/guidance/leaseholder-protections-deed-of-certificate-frequently-asked-questions>

#### What will my responsibility be to the safety of this building?

With the change in legislation, it is important for a buyer to know what their responsibilities and associated ongoing costs are for maintaining building safety within a block (including fire safety).

#### Useful links:

- [Fire Safety \(England\) Regulations 2022 - GOV.UK](#)
- [Fire Safety England Regulations 2022 | London Fire Brigade](#)
- [RICS - Cladding External Wall System \(EWS\) FAQs](#)
- [Leaseholder protections on building safety costs in England: frequently asked questions - GOV.UK \(www.gov.uk\)](#)
- [Building Safety Act guidance on managing high-rise safety | Propertymark](#)
- [TC108: Introduction To The Building Safety Act For Property Managers - ARMA](#)
- [The Property Institute's "Building Safety Hub"](#)
- [Building Safety Act 2022 and residential conveyancing | The Law Society](#)
- [Savills Blog | Safety first: the role of health and safety in property management](#)
- [Leaseholder and resident information on the Building Safety Fund - GOV.UK](#)
- [Landlords, letting agents and property managers | Devon and Somerset Fire and Rescue Service](#)
- [Property management and fire safety | London Fire Brigade](#)

The existing property owner, conveyancer, and property surveyor should be able to provide elements of this information to the agent. Ultimately, while building safety in tall buildings is an important consideration, building safety concerns, costs, and detriment should be disclosed in property listings where it is known.

## 2. Restrictions and rights

### 2.1. Restrictions

NTSELAT's view is that any known restriction can be material information, particularly where it could impact the buyer's general use of the property and/or land.

#### **Additional information:**

A listing should include, if relevant, an accurate description or statement of any known statutory or contractual restrictions that relate to the property.

Some *common* examples of restrictions include (the list is not exhaustive, but includes useful links):

- Conservation areas ([HMLR – Local Land Charges](#), Local Planning Authority)
- Lease restrictions ([HMLR](#))
- Listed building status ([HMLR – Local Land Charges](#), [Historic England](#), [CADW](#), [Historic Environment Scotland](#), [NI Direct](#))
- Real burdens (only in Scotland)
- Restriction on permitted development. (Article 4 Direction) ([HMLR – Local Land Charges](#), Local Planning Authority)
- Restrictive covenants ([HMLR](#))
- Tree preservation orders ([HMLR – Local Land Charges](#), Local Planning Authority)

The terminology can vary between devolved nations so the nature of the restriction and the implication of the restrictions should be explained in detail.

Generally, this includes the existence or nature of any restrictive covenants, or of any restrictions on resale, restrictions on use, or pre-emption rights and, in relation to land in Scotland, also the existence or nature of any reservations or real conditions. This may also include common restrictions on:

- Sub-letting part or all the property
- Running a business from the property
- Renting the property as a holiday home
- Parking large vehicles or static homes on the premises

#### **Listed buildings**

Where the property is a listed building, this should be clearly and accurately stated on the property listing (e.g., “this is a grade II listed building” or by showing “yes” to any listed building criteria in a property portal). The type of listed building status varies across the devolved nations.

For properties in England and Wales, HM Land Registry provide an online land and property information portals where details of restrictive covenants and associated restrictions may be found. Otherwise, copies of the title deeds should be obtained.

#### **Useful links:**

- [HM Land Registry - customers](#) or [non-business customers](#) for properties in England and Wales).
- [HM Land Registry Local Land Charges](#)
- [Historic England - Listed Buildings](#)
- [Land Register of Scotland - Registers of Scotland](#)
- [Searching the Land Registry | nidirect](#)

The existing property owner, local authority, conveyancer, and property surveyor should be able to provide elements of this information to the agent, or it may be available through the above services.

## 2.2. **Rights and easements**

NTSELAT's view is that any known rights or easements can be material information, particularly where it could impact the buyer's general use of the property and/or land.

### **Additional information:**

A listing should include, if relevant, an accurate description or statement of any known rights or easements that relate to the property or land that may interfere with the buyer's enjoyment or privacy, for example.

Some *common* examples of rights and easements include (the list is not exhaustive):

- Public rights of way across the land (Local Planning Authority)
- Easements ([HMLR](#))
- Servitudes ([Registers of Scotland](#))

A **Public Right of Way** (PROW) is a legal record of the public's rights of way in one of four categories:

- Footpaths (for walking, running, mobility scooters or powered wheelchairs).
- Bridleways (for walking, horse riding, bicycles, mobility scooters or powered wheelchairs).
- Restricted byways (for any transport without a motor and mobility scooters or powered wheelchairs).
- Byways open to all traffic (for any kind of transport, including cars (but they're mainly used by walkers, cyclists and horse riders).

There are [definitive maps](#) of public rights of way, which property agents may wish to refer to.

The impact of rights of others over the use of property and land may impact the privacy, security, and enjoyment of the property.

### **Useful links:**

- [HM Land Registry - customers](#) or [non-business customers](#) for properties in England and Wales).
- [HM Land Registry Local Land Charges](#)

- [Historic England - Listed Buildings](#)
- [Land Register of Scotland - Registers of Scotland](#)
- [Searching the Land Registry | nidirect](#)
- [Public rights of way: local highway authority responsibilities - GOV.UK \(www.gov.uk\)](#)

The existing property owner, conveyancer, and property surveyor should be able to provide elements of this information to the agent, or it may be available through the above services.

### 3. Flood/erosion risk

#### 3.1. Flood risk

NTSELAT's view is that any known flooding history or significant risk of flooding is material information.

#### **Additional information:**

A listing should include, if relevant, an accurate description or statement as to any known risk of, or actual, flooding at the property.

A property's risk of flood may involve some cost of maintenance or repair (e.g., for remediation or sea defences), affect mortgage availability, or affect the availability of relevant insurance products (e.g., building insurance, contents insurance, or increased insurance premiums).

To help property agents understand what is meant by "flood risk", we have created three questions to be answered.

- Has the property been flooded in the last 5 years?
- What are the sources of risk? (e.g., river, sea, ground water, surface water etc)
- Are there any flooding or sea defences at the property? (Including details).

Property agents should take a pragmatic and diligent approach to disclosing historic flooding at a property. The minimum additional information required will be:

- When the property flooded. This should cover all flood events.
- The frequency of flooding events.
- The flooding source (e.g., whether a river burst its bank, ground water, sea or other).
- What adaptations have been made to the property to help mitigate or prevent future flooding events. This should include any type of flood or sea defences created and any measures that have been taken to reduce impact in the future.
- Whether there are known issues with obtaining insurance products due to flood risk.

#### **Useful links:**

- [Get the flooding history of a property in England - GOV.UK](#)
- [Check the long term flood risk for an area in England - GOV.UK \(www.gov.uk\)](#)
- [Natural Resources Wales / Check your flood risk by postcode \(Wales\)](#)

- [Flood maps | Scottish Environment Protection Agency \(SEPA\)](#) (Scotland)
- [Check the risk of flooding in your area | nidirect](#) (Northern Ireland)

In some circumstances (e.g., probate sales and repossession sales), the exact flood history of a property may not be known. Property agents should take reasonable steps to determine the history and frequency of flooding using the information above.

The existing property owner, conveyancer, and property surveyor should be able to provide elements of this information to the agent.

### 3.2. **Coastal erosion risk**

NTSELAT's view is that any known risk of coastal erosion is material information.

#### **Additional information:**

A listing should include, if relevant, an accurate description or statement as to any known risk of coastal erosion affecting the property and its boundary.

A property which is at risk of coastal erosion may incur additional costs for sea defence funds; and may involve some cost of maintenance or repair (e.g., for remediation or sea defences), affect mortgage availability, or affect the availability of relevant insurance products (e.g., building insurance, contents insurance, or increased insurance premiums).

#### **Useful links:**

- [Check coastal erosion management in your area - GOV.UK](#) (which breaks down what the coastal erosion management plan for each area is by 2030, 2060 and 2110).

Property agents should seek advice if they believe a property is affected by coastal erosion, and in particular where the seller/owner does not know about existing sea defences, liabilities, or management plans (e.g., in probate or repossession sales). Any known and ongoing issues should be disclosed in the property listing.

The seller/owner, conveyancer, and property surveyor should be able to provide elements of this information to the agent.

## 4. **Planning Permission or proposal for development**

NTSELAT's view is that any planning permission or proposal for development could be material information, depending on its impact on the buyer.

#### **Additional information:**

A listing should include, if relevant, an accurate description or statement of the existence and nature of any known planning permission or proposals for development, construction or change of use affecting the property and its immediate locality.

We encourage property agents to take a pragmatic approach to what "immediate locality" means in the context of each property and the identified issue.

Prospective buyers may be directed to the relevant local authority website for updates on planning applications and larger developments.

Some *common* examples of planning issues include (the list is not exhaustive):

- Existing planning permission affecting the actual or proposed construction, development, or change of use of the property and/or its land.
- Whether there are any Article 4 (or related) directions from the local authority restricting permitted development rights, in any of the devolved nations (including for change of use of the property to an HMO).
- Any known building works to surrounding structures that may impact on privacy or light, (e.g., where the property next door is building a second storey extension).
- Any obstruction to a view due to an ongoing or proposed development (e.g., where a green field opposite a property is planned to be developed).

The existing property owner, local authority, conveyancer, and property surveyor should be able to provide elements of this information to the agent.

## 5. Property accessibility/adaptations

NTSELAT's view is that any property accessibility adaptations are material information.

### Additional information:

A listing should include, if relevant, an accurate description or statement of any known property adaptations or features that provide easier access to, and within, the property.

To help property agents understand what we mean by “accessibility/adaptations”, NTSELAT considers the following items to be material information.

- Step-free access from the street to the inside the property (this can include ramps/lifts)
- Wet room/level access shower
- Lateral living (essential living accommodation all on the entrance level)

This may be achieved through photography. Generally, it is recommended to take photographs looking outward to any private outside amenity/gardens (if present) and a photograph looking back into the property.

### Step-free access (ramps/lifts)

Property agents should remember to describe the access to the front door of the property when using the term “step free access”, including photos of dropped kerbs, ramped pathways etc. Agents should disclose the presence of stair lifts/internal lifts and existing ramps.

If there is a dropped kerb, it is always advisable to disclose this and to provide a photograph for visual aid. As above, property agents should also include a description of access to any gardens.

### Wet room/ level access shower

Property agents should disclose the presence of a wet floor shower room, level access or walk in shower, and/or specialist bath. This may be achieved through photography.

### **Lateral living – living room/kitchen/bathroom and at least one bedroom on entry level/one floor**

Where there is a single storey property, or a property that has essential facilities on the entrance level, it is important to include this in any property listing. This category describes properties where there might be other rooms above the entrance level but a living room, kitchen, bathroom and at least one bedroom is located on the entry level.

## **6. Coalfield or mining area**

NTSELAT's view is that any known issue relating to coal or other mining that could have an adverse impact on a buyer is material information.

### **Additional information:**

A listing should include, if relevant, confirmation where a property is known to be on the coalfield or directly impacted by the effect of other mining activity.

Some limited information on non-coal related mining activity is available from the British Geological Survey:

- [Non-coal mining plans - British Geological Survey](#)
- [Search | Mining plans | Opendeoscience scans and photos | Our data | British Geological Survey \(BGS\)](#)

To help property agents understand whether a property is impacted by the effects of **coal mining**, they should consult the Coal Authority's Coal Mining Reporting Area: [Interactive Map Viewer | Coal Authority](#).

A property's presence on a coalfield or mining area may affect mortgage availability, or the availability of relevant insurance products (e.g., building insurance).

### **Useful links:**

- [Find out if a property is affected by coal mining - GOV.UK \(www.gov.uk\)](#)

The existing property owner, conveyancer, and property surveyor should be able to provide elements of this information to the agent.

Further helpful information and advice on statutory protection provided by the Coal Authority for properties on the coalfield (under the Coal Mining Subsidence Act 1991) can be found on the following government website:

- [Coal mining subsidence damage - a guide to your rights - GOV.UK](#)

It is our understanding that there is no equivalent coal or other mining authority for historic data available in Northern Ireland.

## Summary

Below is a condensed summary of the material information listed in this guidance document that generally should be established for property marketing.

Part A	
<i>Information that, regardless of outcome, is always considered material for all properties regardless of location.</i>	
Council Tax / Domestic Rates	
Asking price	
Tenure*	
Part B	
<i>Information that should be established for all properties.</i>	
Property type	
Property construction	
Number and types of room	
Electricity supply	
Water supply	
Sewerage	
Heating	
Broadband	
Mobile signal/coverage	
Parking	
Part C	
<i>Information that may or may not need to be established, depending on whether the property is affected or impacted by the issue in question.</i>	
Building safety	
Restrictions	
Rights and easements	
Flood risk	
Coastal erosion risk	
Planning permission	
Accessibility/adaptations	
Coalfield or mining area	
Energy Performance Certificate (EPC)*	*EPCs fall outside the scope of this guidance as they are prescribed in legislation elsewhere. Agents should familiarise themselves with their EPC obligations, where relevant.

*\*Including detail of any inescapable costs, such as service charges, ground rents, estate rent charges etc.*