

RICS Consultation Response:

Material information in property listings

Question 1

Are you responding as an individual or organisation?

Organisation

Question 2

If responding as an individual - what is your name?

N/A

Question 3

If responding on behalf of an organisation - what is the name of your organisation and what is your role?

Royal Institution of Chartered Surveyors (RICS)

Question 4

What type of organisation are you responding on behalf of - estate agent, surveyor, conveyancer, professional body, developer, other?

Professional body

Consultation questions

Question 5

What do you think are the most significant issues that prevent estate agents from providing material information in property listings?

Material information can vary from person to person and from property to property. What is material in London (such as a flight path or proximity to a train station), may be very different to what is material in a rural location (such as access to local services).

RICS members working as estate agents, will use their professional expertise and local knowledge to ensure that buyers are provided with the information that supports them during

the purchasing process. However, they are generally dependent on others for the information that they provide, such as the seller or third-party websites.

Given that on average a homeowner with a mortgage lives in their property for 17 years, whilst for those who own outright it is 23 years, most sellers are not accustomed to the level of information required of them. Estate agents are then in the position of sharing information that they may not necessarily be able to verify as they may not have the relevant knowledge or expertise.

For example, the proposed guidance suggests including Japanese knotweed as material information under issues with the property. Without professional expertise it can be very difficult to identify Japanese knotweed. Japanese Knotweed is more prevalent at certain times of year than others. Therefore, it may not be present upon at the point of marketing but subsequently may be visible at the point of sale. There is also the potential for the knotweed to have been cut back by the seller, so is not visible at the point of initial marketing.

This was demonstrated in a 2023 legal challenge. The seller had indicated that they did not have Japanese knotweed on their property when it was later confirmed that it was present. Identifying Japanese knotweed requires considerable professional expertise which the majority of agents do not possess, however, it can also be managed with the right level of professional advice and guidance. Simply noting the presence of Japanese knotweed in a property listing, without any additional context such as the presence and/or implementation of a management plan, could unintentionally blight a home.

This could equally apply to other property issues such as asbestos, or damp and mould which are not always easily identifiable. Left to an estate agent or homeowner, these could easily be missed, however, with a professionally qualified surveyor, using the right tools, they can be brought to the attention of the buyer and appropriate advice provided.

Question 6

In addition to providing guidance, what other steps do you think government should take to support estate agents to meet their legal responsibilities with regard to material information?

It is very difficult for estate agents to meet their legal responsibilities under the current home buying and selling process that is adopted in England, Wales and Northern Ireland. Adopting a similar approach to that used in Scotland with a home report and condition survey could support agents in providing buyers with material information.

Question 7

What action would you like to see from other organisations or property professionals, and consumers, to support estate agents with their legal responsibilities regarding material information?

RICS are looking to develop an upfront property condition report and a new survey for flats. However, the use of an upfront property condition report would be at the discretion of the seller.

Question 8

What information categories do you think should be included in guidance as things that would likely be considered material information?

The list below shows categories that we think may be considered material information, based on previous guidance and engagement with industry stakeholders:

RICS has consulted with our estate agent members and regulated member firms and whilst they support the provision of information to buyers, they have expressed concerns that they are not best placed to provide this information. We have set out in the table below who we believe should be responsible.

Material information			
Category	Provided by seller	Agent	Notes
Price		Yes	This will be the marketing price and not a valuation.
Council tax and domestic rates	Yes	Yes	Could be verified through the local authority.
Tenure type and time remaining on the lease	Yes	Yes	This should be provided by the seller. Lease length can be checked through <u>LEASE</u> or by a conveyancer. Some lease

			structures, may be more complicated.
Ground rent or service charges	Yes		May also be provided by landlord/managing agent. Potentially challenging to get accurate information if there are disputes, changes to managing agent or budget queries.
Electricity supply	Yes	Yes	
Water supply	Yes	Yes	
Sewerage	Yes	Yes	
Heating type	Yes	Yes	
Broadband	Yes	Yes	But onus should be on buyer to check – they may have an existing preferred provider/contract.
Mobile signal and coverage	Yes	Yes	But onus should be on buyer to check – they may have an existing preferred provider/contract.
Property type	Yes	Yes	
Number and type of rooms	Yes	Yes	Members suggested that floor plans should be included.
Parking	Yes	Yes	But not necessarily a simple answer – may require input from conveyancer, there could be a service charge or other cost to parking that is not immediately obvious.

Accessibility and adaptations	Yes	Yes	However, agents will not be able to verify how adaptations were installed – this will need to be covered during the survey or conveyancing process.
Rights and easements			Conveyancer/solicitor – these can be quite complicated and legal involvement will be required.
Flood risk			This would need to be defined more clearly and take into consideration work being carried out by DEFRA .*
Property construction			Surveyor – alterations over the years can hide/change construction.
Issues with the property			Surveyor
Building defects			Surveyor
Restrictions			Conveyancer
Coastal erosion			Location specific – publicly available information.
Planning permission			Conveyancer
Coalfield/mining area			Location specific – publicly available information.

*RICS would be very happy to discuss with MHLCG the role that surveyors are playing in response to the FloodReady report and our work on flooding that includes a [consumer guide](#) and [advice to members](#).

Question 9

Are there any information categories you want to highlight as data you would not consider material information? If so, why would you not consider it material information?

In question 5 we note that material information can vary from person to person and from property to property. Setting out a list of material information runs the risk that agents will focus on what is in the list and miss out information that a prospective buyer may find material.

Question 10

Are there any information categories that you think should be considered material information, but which could be challenging to display in property listings in a way that is easily understood by consumers?

How do you think any information categories of this sort should be treated?

There are information categories that have the potential to blight properties, such as building defects, building issues and more challenging restrictions, rights and easements.

Displayed on an online property listing or in an agents marketing literature without any context, this information could deter buyers and create challenges in the market. An upfront property condition report and legal pack with appropriate professional advice and guidance could prevent this from happening.

Question 11

Do you think it is reasonable for any information that could be considered material to not be included in full detail in property listings, instead with further details being provided at a later stage in the process, for example when a customer views a property?

N/A

Question 12

If so, what are the differences between information you think should be included in property listings vs that which should be provided at a later stage?

Can you give examples of each?

N/A

Question 13

What should be the requirement on estate agents regarding material information that could require technical expertise to obtain or interpret?

It is very difficult to set a requirement for estate agents regarding material information under the current home buying and selling process that is adopted in England, Wales and Northern Ireland.

Taking a similar approach to that used in Scotland with a home report and condition survey could support estate agents in providing buyers with material information whilst ensuring technical input.

Question 14

What should guidance state about estate agents working with surveyors and conveyancers to obtain or interpret technical information?

This will depend on how it is implemented. If it is voluntary, then it will be down to the seller to pay for the estate agent to obtain technical information or ask for it to be interpreted. Feedback that RICS has had from members is that it is unlikely that sellers will agree to paying for the estate agent to do this unless it is mandated.

Question 15

What should guidance say about estate agents working with other property professionals such as managing agents, mortgage advisers, lenders etcetera?

Estate agents are accustomed to working with mortgage advisers and lenders ensuring that information is shared in order for transactions to move forward. However, it can be more complicated with managing agents. Managing agents have a contractual arrangement with the landlord and not the leaseholder.

Whilst estate agents may be asked to source information from a managing agent, it will usually be the leaseholder or the conveyancer on their behalf who has this responsibility. Where managing agents charge for the information that is provided, this cost will need to be met by the leaseholder.

Question 16

How could guidance on material information ensure data gathered by estate agents, and supplied by sellers, is as accurate as possible?

The categories that we have identified in question 8 are reasonable to be expected to be provided by estate agents, subject to the caveats set out in the table.

Question 17

What else could government do to ensure information gathered by estate agents is as reliable as possible?

N/A

Question 18

What could other organisations and sellers do to ensure information gathered by estate agents is as reliable as possible?

RICS are involved in a number of different groups that are looking at the accessibility and reliability information.

With so many involved in coming up with different solutions it can be difficult for estate agents to know where to turn to access reliable information. Data and information standards will be key going forward.

Question 19

How can we most effectively support consumers to understand their rights and responsibilities regarding material information?

RICS has spent many years developing consumer guidance on key areas such as [retrofit](#), [home surveys](#) and [property auctions](#). We would suggest that a consumer guide be developed for material information that could be shared on the GOV.UK website and through portals, the websites of estate agents, conveyancers and surveyors,

RICS would be very happy to support the development of a consumer guide.

Question 20

Which of these audiences do you think should be provided with guidance on material information alongside estate agents – buyers, sellers, conveyancers, surveyors, etcetera.

As a professional body and regulator RICS sets standards and provides guidance for members and regulated member firms, whether they are acting as estate agents or residential surveyors.

RICS will be reviewing our standards for estate agents in 2026 and will look to provide guidance on the Digital Markets, Competition and Consumers Act 2024 and material information.

If MHCLG, do go down the route of developing guidance for those working in the sector we would welcome an opportunity to be involved to ensure consistency.

Question 21

What information regarding enforcement do you think should be contained in the material information guidance?

For example, this may include information about the different organisations estate agents are accountable to, including details on their specific roles.

N/A