

**NATIONAL
TRADING
STANDARDS**

**Estate and Letting
Agency Team**

Protecting Consumers
Safeguarding Businesses

Material Information in Property Listings (Lettings)

Guidance for Letting Agents

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This publication is also available from our website at: 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 information which is material to the average 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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**National Trading Standards
Estate and Letting Agency Team (NTSELAT)**

This document is produced alongside the companion guidance for Estate 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, (e.g., Tenant Fees Act 2019 in England).

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 tenants, 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 intended to be exhaustive and is subject to revision in the light of further information and judicial findings. This guide is not an exhaustive explanation of the duty to include material information in property listings and property agents should seek independent legal advice where necessary. Only the courts can interpret statutory legislation with authority and no legal liability can arise from the information provided.

In England, a person (i.e., property/letting agent) acting on behalf of a landlord under an assured shorthold tenancy of a dwelling-house must provide a tenant with the following guidance produced by the Department of Levelling Up, Housing, and Communities (DLUHC) to their tenants¹.

■ [How to rent](#)

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*”². 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 rent and proceeding with any other aspect

¹ Regulation 3. [The Assured Shorthold Tenancy Notices and Prescribed Requirements \(England\) Regulations 2015](#)

² Regulation 6(3) [The Consumer Protection from Unfair Trading Regulations 2008](#)

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 tenant is interested in the property based on the information that they have seen on the listing.

Potential landlord clients 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 your landlord clients and tenant customers, we have produced “quick guides”, available separately, which can be given to them.

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, asking for copies of documents or verifying with local knowledge).

The material information should be prominently and clearly displayed in any 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) 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 tenants 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.

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 (rent, deposit, 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 let 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 landlords 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 landlord (verify the information against other sources, where available)
- HM Land Registry Title register and title 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 landlord client for the provision of these services, those costs should be reasonable, transparent, and not hidden.

However, there is nothing to prevent the landlord 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 Rates information;
- Rent; and
- Details of any deposit(s) payable.

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 landlord 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 landlord 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 circumstances³ and if this is the case, this should be clearly stated on the listing.

Some properties may be exempt from Council Tax in limited circumstances⁴. 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).

³ [Council Tax: domestic properties which are in disrepair or are derelict](#)

⁴ [The Council Tax \(Exempt Dwellings\) Order 1992](#)

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 landlord 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.

2. Rent

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

Additional information:

The rental amount for the property should be clearly listed as a numerical amount and with a time period that it relates to (e.g., per calendar month/pcm). If rent is paid monthly, the equivalent weekly rental amount can be shown for information purposes but if rent cannot be paid weekly then this should be clear from the listing.

If the rent is inclusive of bills, the listing should clearly state which bills are included. If there is not a data field for this information, this should be included within the free text for the listing.

The rental amount should reflect the nature of the occupancy and the price per tenancy. For example, in a multi-occupied property, (e.g., a house share which is let on a single tenancy) the overall rental amount for the property should be listed. If a comparative “per person” or “per room” rental amount is provided, it should be clear that this is the price as if the property were fully occupied.

If a multi-occupied property is rented on a room-by-room basis, then the rental amount per room and associated occupancy should be listed (e.g., single or double).

3. Details of any deposit(s) payable

NTSELAT's view is that any deposit payable is always considered material information for every property listing.

Additional information:

3.1. Security deposit (tenancy deposit)

Details of the security deposit should be included on the listing. Agents must comply with any specific requirements in the devolved nations that apply in respect of the deposit amount (e.g., Tenant Fees Act 2019 in England and the Renting Homes (Fees etc.) (Wales) Act 2019 in Wales).

The deposit amount should reflect the related occupancy. For example, in a multi-occupied property (e.g., a house share which is let on a single tenancy), the total deposit amount for the property should be listed and stated as such. If a comparative “per person” or “per room” figure is provided, it should be clear that this is the price as if the property were fully occupied.

If a multi-occupied property is rented on a room-by-room basis, then the deposit amount per room and associated occupancy should be listed (e.g., single or double).

3.2. Holding deposit

If a holding deposit is required, this should be clearly stated on the listing. Agents must comply with any specific requirements in the devolved nations that apply in respect of the holding deposit amount (e.g., Tenant Fees Act 2019 in England and the Renting Homes (Fees etc.) (Wales) Act 2019 in Wales).

The amount of the holding deposit should reflect the related occupancy. For example, in multi-occupied properties (e.g., a house share which is let on a single tenancy), the total holding deposit for the property should be listed. If a comparative “per person” or “per room” figure is provided, it should be clear that this is the price as if the property were fully occupied.

If a multi-occupied property is rented on a room-by-room basis, then the holding deposit per room and associated occupancy should be listed (e.g., single or double).

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, knowingly impact a tenant’s enjoyment of the property, or affect the availability of relevant insurance products. 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 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 (e.g., semi-detached, apartment etc).

The property type will affect whether further consideration needs to be given to things such as suitability of animals in 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.

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 tenant.

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 tenant's enjoyment of the property, or the availability of relevant insurance products.

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 tenant.

This category is of greater significance in property sales but has been included in lettings for completeness.

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 description 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.

Minimum bedroom sizes can vary between devolved nations, and local authority planning areas; property agents can [check the local authority](#) website of the property address for more

information. Minimum bedroom sizes generally apply to properties in relevant property licensing or regulated areas but can be useful as a guide for accurately describing room sizes.

Where a property for let is subject to a House in Multiple Occupation (HMO) or other relevant property licensing scheme (such as additional or selective licensing), local guidance should be followed to ensure minimum room sizes are met.

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](#)

3. Utilities

It should be made clear in the property particulars where bills are included in the rental payment, and where there are any required payments in respect of utilities⁵.

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.

The property owner/landlord 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 purposes⁶.

Included in the description or statement should be whether the supply is metered.

If the property has any element of a private supply of water for domestic purposes, the nature of that supply should be clearly and accurately described for potential renters.

⁵ If the tenant is expected to pay for or in connection with the provision of a utility, this is a permitted payment as per the Tenant Fees Act 2019 (in England) only if the tenancy agreement requires the payment to be made.

⁶ "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".

A private water supply can include wells, springs, or boreholes on, or located close to, the property.

Useful links:

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

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

3.3. Sewerage

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

Septic tanks and cesspits/cesspools will require emptying, and costs will vary between providers; and septic tanks or sewage treatment plants may have additional registration and record keeping requirements. It should be clear whether the tenant or landlord will pay for the emptying of any systems.

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 \(www.gov.uk\)](https://www.gov.uk)
- [Public and private sewers – Ofwat](https://www.ofwat.gov.uk)
- [Who is responsible for repairing drains and sewers – Citizens Advice](https://www.citizensadvice.org.uk)
- [Septic tanks and private sewage treatment systems | Scottish Environment Protection Agency \(SEPA\) \(Scotland\).](https://www.sepa.gov.uk)
- [Sewerage services | nidirect \(Northern Ireland\)](https://www.nidirect.gov.uk)

The landlord 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.

Different heating sources may require regular maintenance and servicing visits. Where relevant, property agents should state whether there are different arrangements for water heating and space heating. This may impact the expected energy consumption and cost.

Communal heating systems

Where a communal or district heating and/or cooling system is provided in a property, the listing should include information about:

- How the cost of the heating supply is to be charged (e.g., will the prospective tenant be charged based on usage; or through a general apportionment?)
- Whether the prospective tenant will have any control over the energy provider.

- Whether the prospective tenant 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 tenant/landlord or agent will have little control over its management. Consumers should be made aware of this.

Useful links:

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

The landlord 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.

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 tenant 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 tenants 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 property owner/landlord or previous tenant 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.

Landlords 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 tenants to the [Ofcom checker](#).

Useful links:

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

The property owner/landlord 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.

A property may have more than one option and all options should be clearly listed in the property description.

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

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.

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 property owner/landlord 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; generally, where there is an impact on the tenant’s enjoyment or privacy, or the availability and cost of relevant insurance products.

It is acknowledged that property agents may not be qualified or insured to make judgements on the following issues, and we recommend seeking expert advice where required or relevant.

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 must 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 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 roof 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 rental 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 tenant's ability to insure their contents or interfere with their peace/privacy.

We recommend that landlords seek the services of their block manager (where relevant).

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 building safety issues property agents 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?
- Will it affect the tenant's ability to reside within the property? (i.e., will they need to move into temporary accommodation whilst works are undertaken?)

Useful links:

- [Building Safety Act guidance on managing high-rise safety | Propertymark](#)
- [TC108: Introduction To The Building Safety Act For Property Managers - ARMA](#)
- [Building Safety Act 2022 and residential conveyancing | The Law Society](#)
- [Savills Blog | Safety first: the role of health and safety in property management](#)
- [Landlords, letting agents and property managers | Devon and Somerset Fire and Rescue Service \(dsfire.gov.uk\)](#)
- [Property management and fire safety | London Fire Brigade \(london-fire.gov.uk\)](#)

The existing landlord, or block manager should be able to provide elements of this information to the agent.

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 tenant'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):

- Lease restrictions ([HMLR](#))
- Listed building status ([HMLR – Local Land Charges](#), [Historic England](#), [CADW](#), [Historic Environment Scotland](#), [NI Direct](#))
- Real burdens (only in Scotland)
- Restrictive covenants ([HMLR](#))

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

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

- No pets (this should not include a restriction on any assistance/service animals)
- Parking restrictions
- The ability to run a business from home

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 \(ros.gov.uk\)](#)
- [Searching the Land Registry | nidirect](#)

The existing landlord, property owner, or local authority should be able to provide elements of this information to the agent, or it may be available through the above services free of charge, or at a cost if further information is required.

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 tenant'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 tenant'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](#))

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 \(ros.gov.uk\)](#)
- [Searching the Land Registry | nidirect](#)
- [Public rights of way: local highway authority responsibilities - GOV.UK \(www.gov.uk\)](#)

The landlord 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 affect the availability of relevant insurance products (e.g., contents insurance, or increased insurance premiums).

To help property agents understand what we mean 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 known 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 \(www.gov.uk\)](http://www.gov.uk)

The landlord 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.

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 landlord does not know about existing sea defences, liabilities, or management plans (e.g., where they live abroad or have full property management arrangements with an agent). Any known and ongoing issues should be disclosed in the property listing.

The landlord 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 tenant.

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

The existing landlord, local authority, or 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 accessibility features.

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 tenant 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.

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

Useful links:

- [Find out if a property is affected by coal mining - GOV.UK \(www.gov.uk\)](https://www.gov.uk)
- [Non-coal mining plans - British Geological Survey \(bgs.ac.uk\)](https://bgs.ac.uk)
- [Search | Mining plans | Opendeoscience scans and photos | Our data | British Geological Survey \(BGS\)](#)

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	
Rent	
Deposit(s)	
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.