

We regularly have clients advise us that the estate agents for the property are ‘pressurising’ that “unless you use their broker you may not be able to get the property” - *we have no problem with you seeing anyone you wish, **BUT** it is not legal to ‘make you do so’, nor to indicate that it will ‘impact on your ability to buy the property if you do not’.*

Additionally, extra ‘credit checks’ / ‘Decisions in Principal’ may adversely affect your credit rating

You may find the following extract useful:

Extract from **The Property Ombudsman Code of Practice for Residential Sales** (as of 22.02.10)

- as recognized by the **National Association of Estate Agents (NAEA)**
- as approved by the **Office of Fair Trading** under its **Consumer Codes and Approval Scheme**

6. Submission of Offers

- 6a **By law**, you must **tell sellers as soon as it is reasonably possible about all offers that you receive at any time** until contracts have been exchanged (in Scotland, missives have been concluded) unless the offer is an amount or type which the seller has specifically instructed you, in writing, not to pass on. You must confirm each offer in writing to the seller, and to the buyer who made it, within two working days.
- 6b You must keep written or computerised record of all offers your receive – including the date and time of such offers – and the seller’s response. Such records should be made promptly.

Discrimination

- 6c **By law** you **must not discriminate**, or threaten to discriminate, against a prospective buyer of the seller’s property because that person declines to accept that you will (directly or indirectly) provide services to them. **Discrimination includes – but is not limited to – the following:**
- Failing to tell the seller of an offer to buy the property.
 - Telling the seller of an offer less quickly than other offers you have received.
 - Misrepresenting the nature of the offer or that of rival offers.
 - Giving details of properties for sale first to those who have indicated they are prepared to let you provide services to them.
 - **Making it a condition that the person wanting to buy the property must use any other service provided by you or anyone else.**