

# **Propertymark Qualifications: Level 3 Technical Award in Chattels Auctioneering (England & Wales)**

## **Qualification Specification**

## ABOUT PROPERTYMARK QUALIFICATIONS

Propertymark Qualifications (formerly NFoPP Awarding Body) is the UK's specialist awarding organisation offering industry recognised qualifications in property and property affiliated disciplines. We draw our expertise from an array of experienced property industry practitioners and academics from relevant fields including property, law, surveying and finance.

Propertymark qualifications is an independent organisation and is recognised by the national qualification regulators in England, Wales and Northern Ireland; namely the Office of the Qualifications and Examinations Regulator (Ofqual), Qualifications Wales and the Council for Curriculum, Assessment and Examinations (CCEA Regulation) respectively. We also offer accredited qualifications in Scotland, credit and level rated in the Scottish Credit and Qualifications Framework (SCQF). This means we follow strict guidelines and maintain quality standards in the provision of all our qualifications.

Propertymark qualifications has been operating as a recognised and regulated awarding body since March 2002 with our first qualifications being awarded to candidates in 2003. We work in association with professional membership bodies which allows us to collaborate with them and draw on their expertise and experience to ensure the design and development of our qualifications is at pace with changes in the industry at large.

All of this puts us in a unique position to provide tailored and industry specific qualifications that meet industry requirements, reinforce industry standards and afford individuals the opportunity to progress.

All information in this document is correct at the time of publication.

# Contents

<b>ABOUT PROPERTYMARK QUALIFICATIONS</b>	<b>2</b>
<b>QUALIFICATION PURPOSE</b>	<b>4</b>
<b>STRUCTURE</b>	<b>4</b>
<b>ASSESSMENT GUIDANCE</b>	<b>4</b>
<b>OTHER INFORMATION</b>	<b>4</b>
<b>QUALIFICATION SUMMARY AND KEY INFORMATION</b>	<b>4</b>
<b>QUALIFICATION UNITS</b>	<b>5</b>
GENERAL LAW, HEALTH, SAFETY & SECURITY IN RELATION TO CHATTELS AUCTIONEERING (CHAT1)	5
LAW RELATING TO CHATTELS AUCTIONS (CHAT2)	7
PRACTICE & PROCEDURES RELATING TO CHATTELS AUCTIONEERING (CHAT3)	9
APPRAISAL & THE AUCTIONEERS DUTIES & LIABILITIES IN RELATION TO CHATTELS (CHAT4)	10
<b>ASSESSMENT</b>	<b>11</b>
<b>REGISTRATION AND CERTIFICATION</b>	<b>12</b>
<b>REPLACEMENT CERTIFICATES</b>	<b>12</b>
<b>ENQUIRIES AND APPEALS POLICY</b>	<b>12</b>
<b>EXEMPTION POLICY</b>	<b>12</b>
<b>LEARNING MATERIAL</b>	<b>12</b>

## QUALIFICATION PURPOSE

The Level 3 Technical Award in Chattels Auctioneering is an intermediate qualification ideal for candidates wanting to gain broad understanding and knowledge in the key areas related to chattels auctioneering. It is also suitable for either those who wish to enter the profession, having no previous experience or do not hold a relevant qualification within this sector.

## STRUCTURE

- Unit 1: General Law, Health, Safety & Security in Relation to Chattels Auctioneering (CHAT1)
- Unit 2: Law Relating to Chattels Auctions (CHAT2)
- Unit 3: Practice & Procedures relating to Chattels Auctioneering (CHAT3)
- Unit 4: Appraisal & the Auctioneers Duties & Liabilities in Relation to Chattels (CHAT4)

## ASSESSMENT GUIDANCE

Assessment Guidance is provided to amplify the learning objective and/or assessment criterion as relevant and enable national or industry specific information and requirements to be noted.

## OTHER INFORMATION

This qualification is accepted for membership by NAVA Propertymark (National Association of Valuers and Auctioneers). If you have any queries regarding NAVA Propertymark membership, then please contact them directly.

## QUALIFICATION SUMMARY AND KEY INFORMATION

Qualification title	Level 3 Technical Award in Chattels Auctioneering (England and Wales)
QCF Qualification Number (QAN)	600/1316/3
Accreditation start date	21/03/2011
Approved age ranges	16 – 18 18 +
Credit value	12
Assessment	Onscreen assessment at assessment centre Paper based assessment under special circumstances and arrangements
Guided learning hours	120
Grading information	Pass or Fail
Entry requirements	n/a

## QUALIFICATION UNITS

The unit titles and unit codes will appear at examination booking stage and on certification.

Propertymark Qualifications requires any candidate wishing to complete the Level 3 Technical Award in Chattels Auctioneering to complete the 4 units listed below. Once all 4 units have been successfully achieved, Propertymark Qualifications will provide certification for the full qualification.

*Please Note: Units can be completed in any order*

Unit Number	Unit Title	Unit Reference
1	General Law, Health, Safety & Security in Relation to Chattels Auctioneering (CHAT1)	D/502/7614
<b>About this unit</b>		
This unit is about understanding the general legal concepts of law relevant to an auctioneer selling chattels. It deals with the historical development and current concepts of the relevant statute and common law to enable auctioneers to understand and carry out their duties to colleagues, customers and the general public. Health and safety issues are also covered including legislation and best practice issues relevant to an auctioneer in their duties within and outside their office and at auction venues, when dealing with colleagues, and customers and visiting properties.		
Syllabus Letter	Learning Outcome <i>The Candidate should be able to understand:</i>	Assessment Criteria <i>The candidate must:</i>
A, B, C	1. Understand Health and Safety at Work Act 1974 and security issues within and outside the workplace	1.1 Summarise the duties of employers 1.2 Summarise the duties of employees 1.3 Identify correct procedures for dealing with health and safety matters for appraisals and viewings 1.4 Identify correct procedures covering health and safety procedures at auction venues 1.5 Select appropriate procedures when securing property 1.6 Summarise a safe and secure set of procedures for dealing with keys
D	2. Understand the general legal concepts relating to the provision of chattels auctioneering services	2.1 Distinguish the different divisions of the law 2.2 Distinguish between common law and equity 2.3 Identify the remedies available under the law
E	3. Understand the basic elements of the law of contract	3.1 Summarise the elements needed for a contract to exist 3.2 Interpret situations where a contract will have ended 3.3 Select appropriate remedies where there is a breach of contract
F	4. Understand the basic elements of the law of tort	4.1 Summarise the elements needed for negligence to be proved 4.2 Interpret situations where vicarious liability may apply 4.3 Evaluate situations where occupiers' liability may be relevant
G	5. Understand the basic concepts of discrimination	5.1 Identify what are protected characteristics 5.2 Analyse the circumstances when discrimination may occur 5.3 Select the appropriate remedies where discrimination has occurred 5.4 Interpret situations where age discrimination can occur 5.5 Summarise the requirements for reasonable adjustments to be made to prevent disability discrimination occurring
H	6. Understand the requirements of the Data Protection Act 1998	6.1 Summarise the data protection principles laid down in the Act 6.2 Analyse situations to comply with data protection principles 6.3 Distinguish between who can and who cannot be given data protected information
I	7. Understand the requirements of the Proceeds of Crime Act 2002 and the Money Laundering Regulations 2007	7.1 Evaluate situations that might be deemed suspicious in relation to the legislation 7.2 Summarise the procedures needed to comply with the MLR 2007 7.3 Apply legislative requirements to possible suspicious situations
<b>Assessment Guidance</b>		

Unit 1 Syllabus Items (elements A-I)		Number of Questions 20
A	Health and Safety at Work Act 1974 and security issues relating to self and others both within the workplace and outside when dealing with appraisals and viewings.	2
B	Safety and security issues specifically relating to chattels auction sales and auction venues	2
C	Safety and security issues on empty and occupied property, including dealing with keys and information	2
D	General legal concepts as they relate to the provision of chattels auctioneering services	3
E	Basic contract law: offer, acceptance, consideration	3
F	Tort law: negligence, occupiers' liability and vicarious liability	2
G	Discrimination: age, sex, race, disability and other protected characteristics	2
H	Data Protection Act 1998: office records, video/recording of auctions	2
I	Proceeds of Crime Act 2002 and Money Laundering Regulations 2007	2

Unit Number	Unit Title	Unit Reference
2	Law Relating to Chattels Auctions (CHAT2)	L/502/7611
<b>About this unit</b>		
This unit is about the law the auctioneer needs to know that is specific to carrying out chattels auction sales. It deals with the common law and statutory duties relating to chattels auction sales. It stresses the importance of the auctioneer understanding and complying with the statutory requirements for chattels sales and understand and complying with the auction specific statutory requirements in respect of general goods and goods falling within specific categories.		
Syllabus letter	Learning Outcome <i>The Candidate should be able to:</i>	Assessment Criteria <i>The candidate must:</i>
C, D	1. Understand the authority of the auctioneer	1.1 Summarise the common law duties the auctioneer owes to their client 1.2 Differentiate between actual, implied and apparent authority 1.3 Apply the legislative rules to sales with and without reserve 1.4 Apply the general rules about termination of authority to a range of situations 1.5 Select appropriate situations when agent of necessity would apply
A, B	2. Understand legislation specific to auctioneering	2.1 Summarise the requirements of section 7 of the Auctioneers Act 1845 2.2 Summarise the requirements of the Auction (Bidding Agreements) Acts 1927 and 1969
E, G	3. Understand consumer protection legislation applicable in the auctioning of chattels	3.1 Apply the provisions of the Consumer Protection from Unfair Trading Regulations 2008 to defined auctioneering situations 3.2 Apply the provisions of the Business Protection from Misleading Marketing Regulations 2008 to defined auctioneering situations 3.3 Apply the provisions of the Wildlife and Countryside Act 1981 to the sale of wild birds, animals and endangered species 3.4 Apply the provisions of the Firearms Act 1968 to the sale and possession of firearms and other offensive weapons 3.5 Apply the legislative provisions to the sale of goods that could be unsafe or dangerous
F, H, I	4. Understand legislation covering the conditions of sale and the contract made at the auction sale	4.1 Summarise the requirements of sections 12-14 and 57 of the Sale of Goods Act 1979 4.2 Apply the requirements of sections 12-14 and 57 of the Sale of Goods Act 1979 to a range of situations 4.3 Summarise the provisions of the common conditions of sale 4.4 Apply the provisions of the Unfair Contract Terms Act 1977 and Part 2 Consumer Rights Act 2015 to auctioneer's contracts with their clients and buyers or bidders 4.5 Apply the concept of misrepresentation to a range of chattel auctioneering situations 4.6 Summarise the rules governing the payment for items successfully bought at auction and the transfer of risk in such goods
<b>Assessment Guidance</b>		

Unit 2 Syllabus Items (elements A-I)		Number of Questions 20
A	Auctioneers Act 1845: s7	1
B	The Auction Bidding Agreements Acts 1927 and 1969: operation of rings at auctions, duty to report	1
C	Common law duties of the auctioneer and their staff; authority, including agent of necessity	3
D	Authority of auctioneers in chattels auctions; sales with and without a reserve; describing the property; termination of authority	3
E	Consumer Protection Act 1987, Product Safety Regulations 2005; sale of prohibited items - firearms, protected species	3
F	Conditions of sale: Sale of Goods Act 1979 ss12-14 and s57; Unfair Contract Terms Act 1977; unfair terms: Part 2 Consumer Rights Act 2015	4
G	Consumer Protection from Unfair Trading Regulations 2008; Business Protection from Misleading Marketing Regulations 2008	2
H	Misrepresentation	1
I	Payment and transfer of risk	2

Unit Number	Unit Title	Unit Reference
3	Practice & Procedures relating to Chattels Auctioneering (CHAT3)	D/502/7614
<b>About this unit</b>		
This unit deals with how auctioneers should conduct themselves when carrying out chattels auctions in order to comply with all relevant statute, common law and principles of best practice. It deals with the agent's actions within and outside the office and at auction venues when dealing with colleagues and customers. It also covers the rights that auctioneers have against the seller, the buyer and third parties.		
Syllabus Letter	Learning Outcome <i>The Candidate should be able to:</i>	Assessment Criteria <i>The candidate must:</i>
<b>B, C, D, E</b>	1. Understand the content and requirements of the Auction Guidance Note published by the RICS	1.1 Summarise the main provisions of the auction guidance note 1.2 Differentiate between the Council for the Protection of Art Theft (CoPAT) protocol and the Object ID checklist 1.3 Apply good practice to dealing with the bidding process in respect of bids from the floor, commission bids and remote bidders 1.4 Summarise the role of marketing, advertising and IT in chattels auctions 1.5 Summarise the procedures to be followed after the auction 1.6 Apply good practice when the auctioneer is acting as bailee
<b>A</b>	2. Understand the standard terms in consignment agreements	2.1 Summarise the terms required in consignment agreements to enable the auction and the auctioneer to function effectively
<b>F</b>	3. Understand the auctioneer's rights against the seller of chattels at auction	3.1 Justify the auctioneer's remuneration in a range of circumstances 3.2 Apply the common-law rules to the auctioneer's lien over chattels
<b>G</b>	4. Understand the auctioneer's rights against the buyer of chattels at auction	4.1 Summarise the action that can be taken to ensure the price of the chattel is paid to the auctioneer 4.2 Apply the rules governing the ability of the auctioneer to sue on a cheque
<b>H</b>	5. Understand the auctioneer's rights against third parties involved in chattels auctions	5.1 Summarise the action that can be taken for the wrongful interference with goods 5.2 Apply the rules that protects chattels in an auctioneer's possession from distress 5.3 Summarise the rules that apply to the interpleader procedure
<b>Assessment Guidance</b>		

Unit 3 Syllabus Items (elements A-H)		Number of Questions 20
A	Auction agency terms of business.	2
B	Auction Guidance Notes issued by the RICS	2
C	Procedures before an auction. Notice of license requirement	4
D	Procedures at the auction: displays; bidding process and internet auctions	2
E	Procedures after the auction.	2
F	Rights against the seller: commission, lien.	4
G	Rights against the buyer: action for the price.	2
H	Rights against third parties: wrongful interference with goods.	2

Unit Number	Unit Title	Unit Reference
4	Appraisal & the Auctioneers Duties & Liabilities in Relation to Chattels (CHAT4)	H/502/7629

**About this unit**

This unit deals with the technical factors relating to an auctioneer preparing for and carrying out an appraisal of a chattel. It covers issues concerning the valuation and marketing of chattels. The duties of the auctioneer when buying their principal's chattel and when handling remote bidding or covering various post sale procedures are also dealt with. Finally, the unit covers the auctioneer's duties to the seller, the buyer and to third parties when the auction is concluded.

Syllabus Letter	Learning Outcome <i>The Candidate should be able to:</i>	Assessment Criteria <i>The candidate must:</i>
<b>A</b>	1. Understand the factors affecting the value of chattels	1.1 Summarise the factors affecting the value of chattels 1.2 Apply issues of demand and supply to determine value 1.3 Differentiate between the effects of location, condition and origin or provenance on value 1.4 Apply the techniques of the comparable method of valuation to the value of chattels
<b>B, C, D</b>	2. Understand staff responsibilities when purchasing chattels, dealing with remote bidding and post-sale procedures	2.1 Summarise the common law and code of practice responsibilities of staff when buying chattels submitted to the auction 2.2 Apply common law and codes of practice principles to remote bidding situations 2.3 Apply common law and code of practice rules to post sale dealings with sellers, buyers and the reporting of sale results
<b>E</b>	3. Understand the auctioneer's duties to the seller	3.1 Summarise the extent of the auctioneer's duties relating to performance 3.2 Apply that authority to specified circumstances during the bidding process 3.3 Apply accepted guidelines to fiduciary situations when taking commission from both parties, buying the principals property or obtaining a secret profit 3.4 Summarise the extent of the auctioneer's duty to account 3.5 Summarise the extent of the auctioneer's duty to care for goods in their possession
<b>F</b>	4. Understand the auctioneer's duties to the buyer	4.1 Apply the common law and best practice guidance to an auctioneer's breach of their warranty of authority 4.2 Apply common law and best practice guidelines to liabilities incurred on the contract of sale and outside the contract of sale 4.3 Apply common law and best practice guidelines to liability for misrepresentation
<b>G</b>	5. Understand the auctioneer's duties to third parties	5.1 Identify actions that will amount to the tort of conversion including a sale without authority 5.2 Summarise the duties imposed by sections 21 to 26 Sale of Goods Act 1979 5.3 Apply the provisions of s27 Hire Purchase Act 1964

**Assessment Guidance**

Unit 4 Syllabus Items (elements A-G)		Number of Questions 20
A	Factors affecting value: location, condition, origin/provenance, comparable values.	3
B	Responsibilities of staff to seller, buyer and the public including codes of practice and ethics, disclosure of personal interests.	1
C	Electronic, proxy and telephone bidding and internet auctions	1
D	Post-sale procedures.	1
E	Duties owed to the seller: securing a sale, fiduciary duties, caring for the goods.	5
F	Duties owed to the buyer: breach of warranty of authority, liability under a particular arrangement.	5
G	Duties owed to third parties: sale without authority, conversion; s21-s26 Sale of Goods Act 1979; s27 Hire Purchase Act 1964.	4

## ASSESSMENT

The Propertymark Qualifications currently offers two methods of delivery for the assessment of Level 3 Technical Award in Chattels Auctioneering:

- Onscreen\*
- Paper Based (Centres **ONLY**) - can only be considered under special circumstances and arrangements and can only be delivered at approved Propertymark Qualifications centres. Propertymark Qualifications will require 2 weeks' notice of any paper based examinations being completed. Centres should refer to the centre guidance document for further details.

**\*Disclaimer – Subject to availability of the test centre**

Unit 1: General Law, Health, Safety & Security in Relation to Chattels Auctioneering (CHAT1)	
Assessment Details	Multiple Choice Exam of 30 minutes
Number of marks	20
Assessment availability	On Demand
First assessment availability	April 11
Pass Mark	70%

Unit 2: Law Relating to Chattels Auctions (CHAT2)	
Assessment Details	Multiple Choice Exam of 30 minutes
Number of marks	20
Assessment availability	On Demand
First assessment availability	April 11
Pass Mark	70%

Unit 3: Chattels Auctioneering Practice & Procedures (CHAT3)	
Assessment Details	Multiple Choice Exam of 30 minutes
Number of marks	20
Assessment availability	On Demand
First assessment availability	April 11
Pass Mark	70%

Unit 4: Appraisal & the Auctioneers Duties & Liabilities in Relation to Chattels (CHAT4)	
Assessment Details	Multiple Choice Exam of 30 minutes
Number of marks	20
Assessment availability	On Demand
First assessment availability	April 11
Pass Mark	70%

### Individual Candidates - Onscreen assessment (external assessment)

Individual candidates are required to complete all examinations at approved test centres. Each centre is fully compliant with the Propertymark Qualifications policies and procedures.

The onscreen test may be taken at any time of the year by arrangement with the test centres.

All test centres offering onscreen assessment must comply with the Joint Council for Qualifications (JCQ) document Instruction's for the Conduct of Examinations (ICE).

Propertymark Qualifications offer over 150 test centre locations throughout the United Kingdom. To view the list of test centres available, please visit the Propertymark Qualifications website.

## REGISTRATION AND CERTIFICATION

### Individual Candidates

Candidates are required to register for the qualification and unit assessments by completing the online registration form on the Propertymark Qualifications website. The candidate will then receive a unique candidate number prefixed with a 'Q' and a password via email, this will enable the candidate to log into the Propertymark Qualifications website to view their profile and book examinations.

Candidates who achieve all four units for the full qualification will receive:

- a qualification pass letter informing the candidate of the dates they achieved each unit within the qualification and percentage scored within 7 working days.
- a certificate giving the full qualification title and all units achieved within 20 working days.

### Recognised Centres

Separate arrangements exist for candidate registration and certification for Recognised Centres.

Centre Administrators should refer to the Centre Guidance document for further information.

Candidates who are being entered for this qualification by a Propertymark Qualifications Recognised Centre should refer to their centre for guidance on registration and certification procedures.

## REPLACEMENT CERTIFICATES

If a certificate of achievement is misplaced, lost or stolen and a replacement is required then the candidate will need to complete a Replacement Certificate Request form.

To complete the form, please visit the Propertymark Qualifications website.

## ENQUIRIES AND APPEALS POLICY

The examination regulations of the Propertymark Qualifications make provision for Propertymark Qualifications learners to be enabled to make an enquiry and/or to appeal against a decision. The facility by which to do so is outlined in this procedure and it is important the procedure is followed in all situations.

To find out more, please visit the Propertymark Qualifications website.

## EXEMPTION POLICY

Propertymark Qualifications recognises prior certificated qualifications equivalent to Propertymark Qualifications units for the Level 4 Certificates only. Propertymark Qualifications operates an equality and diversity exemption policy and welcomes applicants for exemption on the basis of comparable qualifications from recognised institutions which satisfy the Propertymark Qualifications criteria for awarding exemptions.

To find out more, please visit the Propertymark Qualifications website.

## LEARNING MATERIAL

Learning materials are available to support those preparing for Propertymark Qualifications assessments. For further information about learning material, please visit the Propertymark Qualifications website.