

# **Propertymark Qualifications: Level 3 Technical Award in the Sale of Residential Property (England, Wales & Northern Ireland)**

## **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.

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## QUALIFICATION PURPOSE

The Level 3 Technical Award in the Sale of Residential Property is an intermediate qualification ideal for candidates wanting to gain a broad understanding and knowledge in the key areas related to residential property sales.

## STRUCTURE

- Unit 1: General Law, Health, Safety & Security in Relation to the Sale of Residential Property (SRP1)
- Unit 2: Law Relating to Residential Property Sales (SRP2)
- Unit 3: Practice Relating to Residential Property Sales (SRP3)
- Unit 4: Property Appraisal & Basic Building Construction/Defects (SRP4)

## 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 NAEA Propertymark. If you have any queries regarding NAEA Propertymark membership, then please contact them directly.

## QUALIFICATION SUMMARY AND KEY INFORMATION

Qualification title	Level 3 Technical Award in the Sale of Residential Property (England, Wales & Northern Ireland)
QCF Qualification Number (QAN)	501/2370/1
Accreditation start date	01/01/2011
Approved age ranges	16 – 18 18 +
Credit value	12
Assessment	Onscreen assessment 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 the Sale of Residential Property 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 the Sale of Residential Property (SRP1)	K/602/1986
<b>About this unit</b>		
This unit is about understanding the general concepts of law relevant to an estate agent selling residential property. It deals with the historical development and current concepts of the relevant statute and common law to enable estate agents to understand and carry out their duties to colleagues, customers and the general public. Health, safety and security issues are also covered including the legislation and best practice issues relevant to an estate agent in their duties within and outside their office when dealing with colleagues and customers and visiting residential properties.		
Syllabus Letter	Learning Outcome <i>The Candidate should be able to:</i>	Assessment Criteria <i>The candidate must:</i>
A, B, C	1. Understand the 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 H&S matters for appraisals and viewings 1.4 Identify correct procedures covering H&S procedures on building sites 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 property 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 law
F	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 3.4 Identify the special requirements relating to contracts relating to land and property
G	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
E	5. Understand the basic concepts of land law	5.1 Distinguish between freehold and leasehold tenure 5.2 Summarise the distinguishing features of an easement 5.3 Diagnose situations where an easement may exist 5.4 Distinguish between positive and restrictive covenants 5.5 Interpret when covenants will pass with property transactions
H	6. Understand the basic concepts of discrimination	6.1 Identify what are protected characteristics 6.2 Analyse the circumstances when discrimination may occur 6.3 Select the appropriate remedies where discrimination has occurred 6.4 Interpret situations where age discrimination has occurred 6.5 Summarise the requirements for reasonable adjustments to be made to prevent disability discrimination occurring
I	7. Understand the requirements of the Data Protection Act 1998	7.1 Summarise the data protection principles laid down in the Act 7.2 Analyse situations to comply with data protection principles 7.3 Distinguish between who can and who cannot be given data protected information
J	8. Understand the requirements of the Proceeds of Crime Act 2002 and the Money Laundering Regulations 2007	8.1 Evaluate situations that might be deemed suspicious in relation to the legislation 8.2 Summarise the procedures needed to comply with the MLR 2007 8.3 Apply legislative requirements to possible suspicious situations

## Assessment Guidance

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Unit 1 Syllabus Items (elements A – J)		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	3
B	Safety and security issues on building sites	2
C	Safety and security issues on empty and occupied property, including dealing with keys and information	1
D	General legal concepts as they relate to the provision of estate agency services and new home sales	3
E	Basic land law: freehold, commonhold and leasehold; easements and covenants	2
F	Basic contract law: offer, acceptance and consideration	2
G	Tort: negligence, occupiers' liability and vicarious liability	2
H	Discrimination: age, sex, race, disability and other protected characteristics	2
I	Data Protection Act 1998	2
J	Money Laundering Regulations 2007, Proceeds of Crime Act 2002	1

Unit Number	Unit Title	Unit Reference
2	Law Relating to Residential Property Sales (SRP2)	T/602/2011
<b>About this unit</b>		
This unit is about understanding the general concepts of law relevant to an estate agent selling residential property. It deals with the historical development and current concepts of the relevant statute and common law to enable estate agents to understand and carry out their duties to colleagues, customers and the general public. Health, safety and security issues are also covered including the legislation and best practice issues relevant to an estate agent in their duties within and outside their office when dealing with colleagues and customers and visiting residential properties.		
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 common law duties of estate agents and agents' authority	1.1 Summarise the common law duties the agent owes to their client 1.2 Distinguish those duties that equally apply to applicants 1.3 Differentiate between express authority, ratification and estoppel 1.4 Select appropriate situations when agent of necessity would apply
<b>B</b>	2. Understand the Estate Agents Act 1979 and the 1991 Regulations and Orders	2.1 Summarise who is covered by the legislation 2.2 Apply the requirements of s18 Estate Agents Act 1979 and the Estate Agents (Provision of Information) Regulations 1991 2.3 Distinguish between charges that do and those that do not comply with the legal requirements 2.4 Interpret the meaning of the statutory wording for sole agency, sole selling rights and ready, willing and able buyer 2.5 Differentiate between connected and unconnected persons and what constitutes a personal interest 2.6 Apply the requirements of the Estate Agents (Undesirable Practices) (No.2) Order 1991 to defined situations 2.7 Apply the rules concerning clients' money and deposits 2.8 Summarise the rules governing the issue of warning and prohibition orders
<b>B</b>	3. Understand the Property Misdescriptions Act 1991  <b>This learning outcome is under review and is not currently assessed.</b>	3.1 Summarise who is covered by the legislation 3.2 Interpret what is a false or misleading statement 3.3 Summarise the specified matters about which false or misleading statements should not be made 3.4 Apply penalties and time limits to specific situations 3.5 Distinguish between defences, warnings and disclaimers that will comply with those that will not comply with the legislation
<b>C, D, E, I, J</b>	4. Understand consumer protection legislation applicable in residential property sales	4.1 Summarise the legislative requirements of the Consumer Protection from Unfair Trading Regulations 2008 4.2 Apply the requirements of the Consumer Protection from Unfair Trading Regulations 2008 to defined scenarios 4.3 Summarise the legislative requirements of the Business Protection from Misleading Advertising Regulations 2008 4.4 Apply the requirements of the Business Protection from Misleading Advertising Regulations 2008 to defined scenarios 4.5 Apply the concept of satisfactory quality under the Sale of Goods Act 1979 4.6 Identify when a cooling off period will apply 4.7 Differentiate between core terms, terms covering legislation and terms that are transparent and prominent
<b>G</b>	5. Understand the restrictions and regulations covering the provision of financial advice	6.1 Differentiate what can and cannot be done by an estate agent in respect of financial advice 6.2 Select appropriate levels of authorisation for particular tasks
<b>H</b>	6. Understand matters relating to development and 'for sale' boards under the Town and Country Planning Act 1990 and associated regulations	7.1 Differentiate between development and permitted development 7.2 Apply statutory rules to breaches of planning permission 7.3 Apply statutory rules to the provision of 'for sale' boards
<b>F</b>	7. Understand the provisions for the supply and distribution of an Energy Performance Certificate (EPC)	8.1 Summarise the provisions relating to EPCs 8.2 Summarise the main content of the EPC 8.3 Apply statutory rules to determine which properties do and which do not need an EPC

## Assessment Guidance

Unit 2 Syllabus Items (elements A – J)		Number of Questions 20
A	Common law duties of the estate agent and sales staff; authority including agent of necessity	2
B	Estate Agents Act 1979, Estate Agents (Provision of Information) Regulations 1991, Estate Agents (Undesirable Practices) (No.2) Order 1991, and Estate Agents (Specified Offences) Order 1991; in particular complying with s18, knowledge of connected persons and personal interests; trigger mechanisms leading to warning and prohibition orders; rules for dealing with deposits and clients' money	5
C	Consumer Protection from Unfair Trading Regulations 2008	3
D	Business Protection from Misleading Marketing Regulations 2008	1
E	Sale of Goods Act 1979: s14	1
F	Energy performance certificate (EPC) regulations	2
G	Financial Services and Markets Act 2000 and Consumer Credit Act 1974 in relation to the provision of financial services and advice within the agency practice	2
H	Town and Country Planning Act 1990: development, enforcement, agents' boards, new homes	2
I	Consumers, Estate Agents and Redress Act 2007 and redress schemes	1
J	Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013; unfair terms: Part 2 Consumer Rights Act 2015	1

Unit Number	Unit Title	Unit Reference
3	Practice Relating to Residential Property Sales (SRP3)	A/602/2012

#### About this unit

This unit deals with how estate agents should conduct themselves when carrying out residential sales in order to comply with all relevant statute, common law and principles of best practice and ethics. It deals with the agent's actions within and outside the office when dealing with colleagues and customers and visiting residential properties.

Syllabus Letter	Learning Outcome <i>The Candidate should be able to:</i>	Assessment Criteria <i>The candidate must:</i>
A	1. Understand the different types of agency	1.1 Differentiate between sole agency and multiple agency 1.2 Summarise the advantages and disadvantages of different types of agency 1.3 Select appropriate situations when a sub agency might be beneficial
A	2. Understand agency terms such as 'sole agency', 'sole selling rights, and 'ready, willing and able buyer'	2.1 Summarise the criteria relating to each of the terms 2.2 Apply the criteria in the statutory agency terms to specified situations
B	3. Understand the different methods of sale for residential property	3.1 Summarise the processes involved in sales by private treaty, auction and tender 3.2 Summarise the advantages and disadvantages of each method of sale 3.3 Select an appropriate method of sale for specified circumstances
C	4. Understand the requirements to provide a valid Energy Performance Certificate (EPC)	4.1 Summarise when an EPC is required and when it is not 4.2 Apply the legislative requirements to the provision of EPC information on detail sheets and advertisements 4.3 Assess the validity of an EPC for use in the sale process
D	5. Understand the requirements of different types of seller	5.1 Differentiate between the likely requirements of different types of seller 5.2 Give appropriate advice to sellers with different requirements 5.3 Summarise the likely requirements of different types of seller
E	6. Understand basic marketing techniques and the role of advertising, selling and IT in estate agency	6.1 Summarise the basic marketing techniques useful in estate agency 6.2 Apply basic marketing techniques to specified situations 6.3 Differentiate between different types of advertising and the likely usefulness of these methods 6.4 Apply selling techniques to particular situations 6.5 Summarise the use of different forms of ICT in estate agency
F	7. Understand staff responsibilities to sellers and buyers	7.1 Summarise the common law and statutory responsibilities of staff to sellers and buyers 7.2 Apply statutory, common law and codes of practice principles to specific situations 7.3 Determine when a personal interest might arise 7.4 Apply the statutory, common law and code of practice rules to situations where connected person might be involved
G	8. Understand how to deal with offers made on properties for sale	8.1 Summarise how an offer made can be qualified 8.2 Apply the statutory, common law and code of practice rules to the reporting of offers 8.3 Differentiate between the relative strengths of offers where multiple offers are made 8.4 Apply code of practice guidance where multiple offers have been made
H	9. Understand the role of others in the house buying process	9.1 Summarise what other parties are involved in the house buying process 9.2 Summarise the legal process for the transfer of house ownership 9.3 Summarise the content of local and specialist searches 9.4 Differentiate between the rights and obligations of borrowers and lenders 9.5 Clarify the different work undertaken by surveyors/valuers and domestic energy assessors
I	10. Understand stamp duty land tax requirements (SDLT) on property sales	10.1 Summarise the thresholds and rates of stamp duty land tax 10.2 Apply stamp duty land tax rules and rates to particular transaction details

## Assessment Guidance

Unit 3 Syllabus Items (elements A – I)		Number of Questions 20
A	Agency terms: sole agency, sole selling rights, ready, willing and able; types of agency: sole agency, joint agency, multiple agency	6
B	Methods of sale: private treaty, auction, tender	2
C	Energy performance certificate (EPC) regulations	1
D	Types of seller: private persons, builders and developers, trustees, executors, order of court, mortgagee in possession, corporate bodies	1
E	Marketing and advertising, styles and copywriting, layout, media types, follow-up, rules, marketing plans, selling techniques; IT in agency: use of web, email etc.	1
F	Responsibilities of staff to clients and applicants including codes of practice and ethics, disclosure of personal interests and connected persons	3
G	Dealing with offers, qualification of offers, dealing with multiple offers	3
H	Knowledge of the role of others in the house buying process: solicitors, surveyors and lending institutions; knowledge of the conveyancing process	2
I	Stamp Duty Land Tax	1

Unit Number	Unit Title	Unit Reference
4	Property Appraisal & Basic Building Construction and Defects (SRP4)	F/602/2013
<b>About this unit</b>		
This unit deals with the legal and factors relating to an estate agent preparing for and carrying out a property appraisal. It covers issues concerning the valuation, and marketing of residential property. It also includes an understanding of domestic building construction and the recognition and causes of common defects together with any remedial action available		
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 property value	1.1 Summarise the factors affecting property value 1.2 Apply issues of demand and supply to determine value 1.3 Differentiate between the effects of location, property type, condition and other physical factors on value 1.4 Assess the effect of planning/building regulations and occupancy restrictions on value 1.5 Evaluate the effects of different tenures on value 1.6 Assess the impact that environmental issues have on value
<b>B</b>	2. Understand the property appraisal process	2.1 Summarise the requirements for comparable evidence 2.2 Apply logical adjustments to comparables to reflect physical differences between properties, changes to the state of the market or time of sale and the requirements of the seller 2.3 Identify the evidence needed to undertake a market appraisal
<b>C</b>	3. Understand the differences between property styles and ages	3.1 Summarise the characteristics of various property styles from the Georgian period to the present 3.2 Differentiate between the characteristics of terraced, semi-detached and detached houses and bungalows and flats
<b>C, D</b>	4. Understand basic building construction relating to foundations, floors, walls, roofs and services	4.1 Summarise the basic requirements of a foundation 4.2 Distinguish when different types of foundation might be used 4.3 Differentiate between different types of floor construction 4.4 Summarise the functions of external house walls 4.5 Differentiate between various forms of wall construction (solid, cavity, timber frame) 4.6 Apply the terminology used in window construction 4.7 Apply statutory requirements to the repair and replacement of windows 4.8 Distinguish between the characteristics of flat and pitched roofs 4.9 Apply the correct terminology to different parts of the roof 4.10 Distinguish between purlin and rafter and trussed rafter roofs 4.11 Summarise the main features found in services
<b>E</b>	5. Understand the common building and services defects and repair requirements	5.1 Summarise the characteristic signs of foundation failure 5.2 Distinguish between subsidence, settlement and hogging 5.3 Apply basic criteria to determine the cause of cracking in walls 5.4 Summarise the repair solutions for a variety of wall/foundation defects 5.5 Summarise the common defects found associated with flat and pitched roofs 5.6 Apply repair solutions to specific roof defects 5.7 Summarise the defects that can be caused by dampness 5.8 Distinguish between condensation, penetrating and rising dampness 5.9 Apply repair solutions to defects caused by dampness 5.10 Distinguish between the defects caused by wet rot and dry rot 5.11 Summarise repair solutions to eradicate wet rot and dry rot 5.12 Summarise the procedure to be followed where asbestos is discovered 5.13 Summarise the defects commonly found in services
<b>F</b>	6. Understand common warranty and certification schemes for new homes	6.1 Summarise the cover provided by a typical NHBC warranty 6.2 Apply NHBC criteria to determine if a defect is covered by the warranty or not 6.3 Distinguish between NHBC warranties and those provided by others

## Assessment Guidance

Unit 4 Syllabus Items (elements A – F)		Number of Questions 20
A	Factors affecting property value: location, situation, type of property, style of property, construction method, age of property, size of property, area of land, tenure, occupancy restrictions, time of transaction, external and internal condition, planning and building regulation approvals, energy efficiency, sustainability and environmental issues. Statutory Environmental Issues.	4
B	Property appraisal: use of and adjustment to, comparables	4
C	Basic building construction: type, style and age of residential properties	3
D	Terminology and main features of roofs, walls, floors, foundations and services	4
E	Common building defects and identifying features and rectification procedures, especially: dampness, timber defects, wall and foundation defects, roof defects, services defects and asbestos	4
F	Common warranty and certification systems for new homes	1

## ASSESSMENT

Propertymark Qualifications currently offers two methods of delivery for the assessment of Level 3 Technical Award in the Sale of Residential Property:

- 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 the Sale of Residential Property (SRP1)	
Assessment Details	Multiple Choice Exam 30 minutes
Number of marks	20
Assessment availability	On Demand
First assessment availability	Jan 2011
Pass Mark	70%

Unit 2: Law Relating to Residential Property Sales (SRP2)	
Assessment Details	Multiple Choice Exam 30 minutes
Number of marks	20
Assessment availability	On Demand
First assessment availability	Jan 2011
Pass Mark	70%

Unit 3: Practice Relating to Residential Property Sales (SRP3)	
Assessment Details	Multiple Choice Exam 30 minutes
Number of marks	20
Assessment availability	On Demand
First assessment availability	Jan 2011
Pass Mark	70%

Unit 4: Property Appraisal & Basic Building Construction and Defects (SRP4)	
Length of assessment	Multiple Choice Exam 30 minutes
Number of marks	20
Assessment availability	On Demand
First assessment availability	Jan 2011
Pass Mark	70%

### **Individual Learners - 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. Candidates 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 of the 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 an 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 a Recognition of Prior Learning Policy and welcomes applicants for exemption based on comparable qualifications from recognised awarding bodies 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.