

# propertymark QUALIFICATIONS

LEVEL 3 AWARD IN  
REAL PROPERTY AUCTIONEERING  
(ENGLAND AND WALES)

QUALIFICATION SPECIFICATION

LIVE FROM JANUARY 2018

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## ABOUT PROPERTYMARK QUALIFICATIONS

Propertymark Qualifications 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 qualifications which are 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.

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## QUALIFICATION PURPOSE

The Level 3 Award in Real Property Auctioneering is an introductory qualification ideal for candidates wanting to gain basic knowledge in the key areas related to real property auctioneering.

## STRUCTURE

- Health and Safety, Security and General Law (COM1)
- The Law relating to Real Property Auctions (RPA2)
- Practice and Procedures Relating to Real Property Auctioneering (RPA3)
- Property Appraisal and the Auction Process (RPA4)

## 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. If you have any queries regarding NAVA PropertyMark membership, then please contact them directly.

## QUALIFICATION SUMMARY AND KEY INFORMATION

<b>Qualification Number (QAN)</b>	600/0267/0
<b>Accreditation start date</b>	22/12/2010
<b>Approved age ranges</b>	16 – 18 19 +
<b>Assessment</b>	Onscreen assessment Paper based assessment under special circumstances and arrangements
<b>Total Qualification Time</b>	120
<b>Grading information</b>	Pass or Fail
<b>Entry requirements</b>	n/a

## QUALIFICATION UNITS

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

Candidates wishing to complete the Level 3 Award in Real Property Auctioneering are required to pass the four units listed below. Once all four units have been passed, PropertyMark Qualifications will provide certification for the full qualification. Units can be completed in any order.

Unit Code	Unit Title	Unit Reference
COM1	Health and Safety, Security and General Law	TBC
<p>This unit is about understanding the general concepts of law relevant to a property professional. It deals with the historical development of the law as well as current concepts, relevant statute and common law. It is designed to enable property professional understanding 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 property professional in their duties within and outside their office when dealing with colleagues and customers and making necessary visits to other locations.</p>		
Learning Outcome <i>The Candidate should be able to:</i>	Assessment Criteria <i>The candidate must:</i>	Assessment Guidance
1. Understand health and safety at work legislation and its relevance in and out of the workplace	1.1 Identify the duties of employers 1.2 Identify the duties of employees 1.3 Select correct procedures for carrying out a risk assessment for appointments and visits	Candidates in <b>England and Wales</b> should be familiar with the Health and Safety at Work etc. Act 1974.
2. Understand the issues around keeping safe when visiting property and maintaining a secure system when dealing with keys	2.1 Select appropriate procedures when securing property 2.2 Recognise a safe and secure set of procedures for dealing with keys 2.3 Identify how to ensure personal safety away from the office	
3. Understand the general legal concepts relating to the provision of property services	3.1 Recognise the different divisions of the law 3.2 Distinguish between common law and equity 3.3 Identify the remedies available under the law	
4. Understand the common law duties of agents and agents' authority	4.1 Identify the common law duties owed to clients 4.2 Identify the duties that apply to customers 4.3 Differentiate between the different types of authority to act and the relevant obligations	Candidates in <b>England and Wales</b> should be familiar with express authority, ratification, estoppel, agent of necessity.
5. Understand the basic elements of the law of contract	5.1 Identify the elements needed for a contract to exist 5.2 Interpret situations where a contract will have come to an end 5.3 Select appropriate remedies where there is a breach of contract 5.4 Identify the special requirements relating to contracts relating to land and property	Candidates in <b>England and Wales</b> should be familiar with: the formation of a contract (offer, acceptance, consideration); discharge of a contract (agreement and breach); Remedies (damages, specific performance, injunctions, rectification); and specific rules relating to contracts for the sale of land.
6. Understand the basic elements of liability outside the law of contract	6.1 Identify the elements needed for liability to be proved 6.2 Recognise situations where vicarious liability may apply 6.3 Identify situations where occupiers' liability may be relevant	Candidates in <b>England and Wales</b> should be familiar with negligence, occupiers' liability and vicarious liability.
7. Understand the basic concepts of land law	7.1 Distinguish between different rights to occupy 7.2 Identify the distinguishing features of rights over the land belonging to another person 7.3 Recognise situations where such a right may exist 7.4 Interpret when those rights will pass with property	Candidates in <b>England and Wales</b> should be familiar in the ways in which land can be held (freehold, <b>commonhold</b> , leasehold and licences) and be able to distinguish between agreements for more than 3 years from those of three years or less; rights over the land of others (easements and freehold covenants).

<p>8. Understand the basic concepts of discrimination.</p>	<p>8.1 Identify what are protected characteristics  8.2 Analyse the circumstances when discrimination may or may not occur  8.3 Select the appropriate remedies where discrimination has occurred</p>	<p>Candidates in <b>England and Wales</b> should be familiar with the current legislation Equality Act 2010.</p>
<p>9. Understand the requirements of the data protection legislation</p>	<p>9.1 Recognise the data protection principles laid down in the legislation  9.2 Analyse situations to show compliance with data protection principles  9.3 Distinguish between those who can and who cannot be given protected data</p>	<p>Candidates in <b>England and Wales</b> should be familiar with current data protection legislation.</p>
<p>10. Understand the requirements of the legislation dealing with the handling of money</p>	<p>10.1 Analyse situations that may be deemed suspicious  10.2 Identify the procedures needed to comply with the legislation  10.3 Apply legislative requirement to possible suspicious situations</p>	<p>Candidates in <b>England and Wales</b> should be familiar with the current legislation such as The Proceeds of Crime Act 2002 and Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017.</p>

Unit Code	Unit Title	Unit Reference
RPA2	The Law relating to Real Property Auctions	Y/502/6171
<p>This unit is about the law the auctioneer needs to know that is specific to carrying out residential property sales including auction sales. It deals with the common law and statutory duties relating to residential property sales and auction sales. It stresses the importance of the auctioneer understanding and complying with the statutory requirements for property sales and understand and complying with the auction specific statutory requirements.</p>		
Learning Outcome <i>The Candidate should be able to:</i>	Assessment Criteria <i>The Candidate must:</i>	Assessment Guidance
1. Understand the legal framework as it applies to estate agency.	1.1 Identify the requirements of estate agency specific legislation. 1.2 Apply statutory, common law and codes of practice principles to specific situations 1.3 Determine when a personal interest might arise 1.4 Apply the statutory, common law and code of practice rules to situations where connected person might be involved	Estate Agents Act 1979 (connected and unconnected persons, personal interest, dealing with deposits and clients' money, trigger mechanisms leading to warning and prohibition orders) Estate Agents (Provision of Information) Regulations 1991 sole agency, sole selling rights and ready, willing and able buyer Estate Agents (Undesirable Practices) (No.2) Order 1991 Landlord and Tenant Act 1987 s18 Estate Agents Act 1979 and the Estate Agents (Provision of Information) Regulations 1991
2. Understand the legislation and guidance as applied to auctioneering	2.1 Summarise the requirements of auction specific legislation 2.2 Apply the auctioneering specific contractual framework to a range of situations 2.3 Summarise the main requirements of the common auction conditions 2.4 Apply the main requirements of the common auction conditions to defined circumstance	section 7 of the Auctioneers Act 1845 section 5 of the Sale of Land by Auction Act 1867 Auction (Bidding Agreements) Acts 1927 and 1969 Common Auction Conditions
3. Understand the common law and legislative protection available for consumers	3.1 Apply the provisions of the appropriate consumer and business protection legislation to defined auctioneering situations 3.2 Interpret the common law tort of misrepresentation in a range of situations	Sale of Goods Act 1979 Part 2 Consumer Rights Act 2015 (unfair terms) Consumer Protection from Unfair Trading Regulations 2008 Business Protection from Misleading Marketing Regulations 2008 Consumers, Estate Agents Redress Act 2007 Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013
4. Understand matters relating to development and "for sale" boards under the planning legislation	4.1 Differentiate between development and permitted development 4.2 Apply statutory rules to breaches of planning permission 4.3 Apply statutory rules to the provision of "for sale" boards	Town and Country Planning Act 1990
5. Understand restrictions and regulations covering provision of financial advice	5.1 Differentiate what can and cannot be done by an estate agent/auctioneer in respect of financial advice 5.2 Select appropriate levels of authorisation for particular tasks	Financial Services and Markets Act 2000 Consumer Credit Act 1974 in relation to the provision of financial services

Unit Code	Unit Title	Unit Reference
RPA3	Practice and Procedures Relating to Real Property Auctioneering	Y/502/6199
<p>This unit deals with how auctioneers should conduct themselves when carrying out residential sales and 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 and visiting residential properties. It also covers methods of sale, marketing and the production of auction catalogues and the requirements for all properties being sold to have an EPC.</p>		
Learning Outcome <i>The Candidate should be able to:</i>	Assessment Criteria <i>The Candidate must:</i>	Assessment Guidance
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	The Estate Agents (Provision of Information) Regulations 1991 Definition and scope of terms such as 'sole agency', 'sole selling rights' and 'ready willing and able buyer' Part 2 Consumer Rights Act 2015
2. Understand key agency terms	2.1 Identify the criteria relating to each of the terms 2.2 Employ the criteria in the statutory agency terms for specified situations	
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	
4. Understand the requirements to provide associated documentation including a valid EPC	4.1 Identify when an EPC is required, when it is not and what it should contain 4.2 Apply the legislative requirements to the provision of EPC information on detail sheets and advertisements	Energy Performance (England and Wales) Buildings Directive 2012
5. Understand the requirements of different types of seller	5.1 Differentiate between the likely requirements of different types of seller 5.2 Determine appropriate advice to give sellers with different requirements	Sellers including private person, builders and developers, trustees and executors, order of the court, mortgagee in possession, corporate bodies
6. Understand the purpose and requirements of the Auction Guidance Note and the common auction conditions	6.1 Summarise the contents and status of the Auction Guidance Note and common auction conditions 6.2 Interpret the auctioneer's rights in relation to the conduct of the auction 6.3 Distinguish between the common conditions of sale and any special conditions 6.4 Identify best practice when dealing with auction catalogues	
7. Understand the different types of auction and auction best practice	7.1 Distinguish between public and private auctions 7.2 Summarise the process of lotting and order of sale 7.3 Apply auction guidelines to guide and reserve prices 7.4 Summarise the contents of a remote bidding notification form	
8. Understand basic marketing techniques and the role of advertising, selling and IT in estate agency	8.1 Identify the basic marketing techniques and advertising types useful in estate agency and auctioneering for specified situations 8.2 Identify selling techniques for particular situations 8.3 Summarise the use of different forms of IT in estate agency and auctioneering	Marketing, marketing plans, advertising styles and copywriting, layout, media types, follow-up, rules, marketing plans, use of property portals, email campaigns etc

Unit Code	Unit Title	Unit Reference
RPA4	Property Appraisal and the Auction Process	A/502/6213
<p>This unit deals with the legal and technical factors relating to an auctioneer preparing for and carrying out a property appraisal. It covers issues concerning the valuation and marketing of residential property. The authority of the auctioneer and the auction process is covered, as is the handling of offers before, during and after an auction and the role of others in the auction process.</p>		
Learning Outcome <i>The Candidate should be able to:</i>	Assessment Criteria <i>The Candidate must:</i>	Assessment Guidance
1. Understand the factors affecting property value	1.1 Differentiate between the factors affecting property value such as tenure, location, property type, condition, other physical factors and planning related issues 1.2 Apply issues of demand and supply to determine value	
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	
3. Understand staff responsibilities to sellers and buyers	3.1 Apply the common law, statutory and industry codes concerning the responsibilities of staff to sellers, buyers and the public in specific situations 3.2 Apply the statutory, common law and code of practice rules to situations where personal interests or connected persons might be involved	
4. Understand how to deal with offers made on properties for sale	4.1 Apply the statutory, common law and code of practice rules to the qualification and reporting of offers 4.2 Apply code of practice guidance where multiple offers have been made 4.3 Summarise procedures for contracting a sale prior to the auction 4.4 Determine when a private auction might be appropriate	
5. Understand the role of others in the house buying/property auctioneering process	5.1 Summarise the legal process for the transfer of property ownership 5.2 Differentiate between the rights and obligations of borrowers and lenders 5.3 Clarify the different work undertaken by surveyors/valuers and energy efficiency assessors	
6. Understand the extent of the auctioneer's authority	6.1 Apply the auctioneer's authority to specified circumstances during the bidding process 6.2 Differentiate between proxy bids and other remote bidding	
7. Understand the procedures to be adopted following the auction	7.1 Apply the statutory, common law and best practice guidance to dealing with deposits 7.2 Apply accepted guidelines on the reporting of auction results	

## ASSESSMENT

Propertymark Qualifications offers two methods of assessment:

- Onscreen assessment at a Pearson Vue Test Centre
- Paper Based assessment under special circumstances and arrangements at approved Propertymark Qualifications centres. Centres should refer to the centre guidance document for further details.

Health and Safety, Security and General Law (COM1)	
Assessment Details	Multiple Choice Exam 30 minutes
Number of questions	20
Assessment availability	On Demand
First assessment availability	January 2018
Pass Mark	70%

The Law relating to Real Property Auctions (RPA2)	
Assessment Details	Multiple Choice Exam 30 minutes
Number of questions	20
Assessment availability	On Demand
First assessment availability	January 2018
Pass Mark	70%

Practice and Procedures Relating to Real Property Auctioneering (RPA3)	
Assessment Details	Multiple Choice Exam 30 minutes
Number of questions	20
Assessment availability	On Demand
First assessment availability	January 2018
Pass Mark	70%

Property Appraisal and the Auction Process (RPA4)	
Assessment Details	Multiple Choice Exam 30 minutes
Number of questions	20
Assessment availability	On Demand
First assessment availability	January 2018
Pass Mark	70%

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

Individual candidates are required to complete all examinations at approved test centres. Examinations 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). Each centre is fully compliant with the Propertymark Qualifications policies and procedures. 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 by completing the online registration form on the Propertymark Qualifications website. Once registered candidates will be able 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 ten working days.
- a certificate for the full qualification within 20 working days.

### Recognised Centres

Separate arrangements exist for candidate registration and certification at 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 is misplaced, lost or stolen and a replacement is required then the candidate will need to complete a Replacement Certificate Request form. To complete this form please visit the Propertymark Qualifications website.

## ENQUIRIES AND APPEALS POLICY

Propertymark Qualifications make provision for candidates to make an enquiry into or appeal against an assessment decision. To find out more, please visit the Propertymark Qualifications website.

## EXEMPTION POLICY

Qualifications and units awarded by Propertymark Qualifications and other awarding bodies, where relevant, may be used to gain exemptions from units of qualifications offered by Propertymark Qualifications under certain circumstances. For further information please visit the Propertymark Qualifications website.

## LEARNING MATERIALS

Learning materials are available from third party suppliers. For further information please visit the Propertymark Qualifications website.