

propertymark QUALIFICATIONS

LEVEL 3 AWARD IN
CHATTELS AUCTIONEERING
(ENGLAND AND WALES)

QUALIFICATION SPECIFICATION

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.

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

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QUALIFICATION PURPOSE

The Level 3 Award in Chattels Auctioneering is an introductory qualification ideal for candidates wanting to gain and/or improve existing knowledge in the key areas related to chattels auctioneering. This qualification would suit those who are currently working, or aspiring to work, as a Property Auctioneer or Property Valuer.

STRUCTURE

- Unit 1: Health and Safety, Security and General Law (COM1)
- Unit 2: Law Relating to Chattels Auctions (CHAT2)
- Unit 3: Practice and Procedures relating to Chattels Auctioneering (CHAT3)
- Unit 4: Appraisal and the Auctioneers Duties and 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.

QUALIFICATION RECOGNITION

This qualification can fulfil part of the criteria to join various professional bodies and meet requirements of industry licensing schemes.

This qualification is recognised by NAVA Propertymark for membership purposes. For any queries on NAVA Propertymark's membership then please contact them directly.

QUALIFICATION SUMMARY AND KEY INFORMATION

Approved age ranges	16 – 18 19 +
Assessment	Onscreen assessment Paper based assessment under special circumstances and arrangements
Total Qualification Time	120 hours
Grading	Pass or Fail
Entry requirements	n/a

ASSESSMENT GUIDANCE UPDATES

Assessment guidance has been refreshed and updated as of October 2020, to provide further direction supporting your studies towards the required learning outcomes and assessment criteria. Please note that you will not be assessed on temporary legislation due to COVID-19:

Unit	Learning outcome	Update	Version
1 (COM1)	8	Equality Act 2018 - Added	v1.2 – Oct 2020
1 (COM1)	9	Data Protection Act 2018 - Added	v1.2 – Oct 2020

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 Chattels 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	L/616/8270
<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 <i>The candidate should be familiar with:</i>
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	Health and Safety at Work Act etc. 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	Civil/criminal; public/private. Damages, specific performance, injunctions, rectification, rescission.
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	Express authority, ratification, personal bar, 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	Formation of a contract: offer, acceptance, consideration. Discharge of a contract: agreement and breach. Remedies: damages, specific performance, injunctions, rectification, rescission. Land and property: contracts that must be in writing; contracts that must be by deed.
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	Law of tort: negligence, occupiers' liability, 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	Freehold, commonhold, leasehold, licences. Easements, freehold covenants.
8. Understand the basic concepts of discrimination	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	Equality Act 2010.

<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>Data Protection Act 2018.</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>Proceeds of Crime Act 2002, Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017.</p>

Unit Code	Unit Title	Unit Reference
CHAT2	Law Relating to Chattels Auctions	L/502/7611
<p>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.</p>		
Learning Outcome <i>The candidate should be able to:</i>	Assessment Criteria <i>The candidate must:</i>	Assessment Guidance <i>The candidate should be familiar with:</i>
1. Understand the authority of the auctioneer	1.1 Differentiate between actual, implied and apparent authority 1.2 Apply the legislative rules to sales with and without reserve 1.3 Apply the general rules about termination of authority to a range of situations 1.4 Select appropriate situations when agent of necessity would apply	
2. Understand legislation specific to auctioneering	2.1 Summarise the requirements of the auction specific legislation 2.2 Apply the auctioneering specific contractual framework to a range of situations	Section 7 Auctioneers Act 1845. Auction (Bidding Agreements) Acts 1927 and 1969.
3. Understand consumer protection legislation applicable in the auctioning of chattels	3.1 Apply the provisions of the appropriate consumer and business protection legislation to defined auctioneering situations 3.2 Apply the provisions of the legislation relevant to the sale of prohibited and restricted items	Consumer Protection from Unfair Trading Regulations 2008. Business Protection from Misleading Marketing Regulations 2008. Wildlife and Countryside Act 1981. Firearms Act 1968.
4. Understand legislation covering the conditions of sale and the contract made at the auction sale	4.1 Summarise the provisions of the common conditions of sale 4.2 Identify the terms implied into contracts for the sale of goods to consumers and businesses 4.3 Apply the provisions of unfair terms legislation to auctioneer's contracts with their clients and buyers or bidders 4.4 Apply the concept of misrepresentation to a range of chattel auctioneering situations 4.5 Summarise the rules governing the payment for items successfully bought at auction and the transfer of risk in such goods	Product Safety Regulations 2005. Consumer Protection Act 1987. Sections 12-14 and 57 Sale of the Goods Act 1979. Sections 9-18 Consumer Rights Act 2015. Unfair Contract Terms Act 1977. Unfair terms: Part 2 of the Consumer Rights Act 2015.

Unit Code	Unit Title	Unit Reference
CHAT3	Practice and Procedures relating to Chattels Auctioneering	D/502/7614
<p>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.</p>		
Learning Outcome <i>The candidate should be able to:</i>	Assessment Criteria <i>The candidate must:</i>	Assessment Guidance <i>The candidate should be familiar with:</i>
1. Understand the content and requirements of the Auction Guidance Note published by 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	
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	
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	
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	
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	

Unit Code	Unit Title	Unit Reference
CHAT4	Appraisal and the Auctioneers Duties and Liabilities in Relation to Chattels	H/502/7629
<p>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.</p>		
Learning Outcome <i>The candidate should be able to:</i>	Assessment Criteria <i>The candidate must:</i>	Assessment Guidance <i>The candidate should be familiar with:</i>
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	
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	
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 and care for goods in their possession	
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	
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 legislative provisions where goods are sold by someone other than the true owner	Sections 21 to 26 of the Sale of Goods Act 1979. Section 27 of the Hire Purchase Act 1964.

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%

Law Relating to Chattels Auctions (CHAT2)	
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 Chattels Auctioneering (CHAT3)	
Assessment details	Multiple choice exam 30 minutes
Number of questions	20
Assessment availability	On demand
First assessment availability	January 2018
Pass mark	70%

Appraisal and the Auctioneers Duties and Liabilities in Relation to Chattels (CHAT4)	
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 enrol and register for the qualification by completing the online enrolment form on the Propertymark Qualifications website. Once enrolled and the registration has been approved, 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 10 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 guidance on these procedures.

REPLACEMENT CERTIFICATES

If a certificate has been misplaced, lost or stolen and a replacement is required, candidates will need to complete a Replacement Certificate Request form which can be found on 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. For further information, 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.