

# propertymark QUALIFICATIONS

LEVEL 3 AWARD IN  
COMMERCIAL PROPERTY AGENCY  
(ENGLAND, WALES AND NORTHERN IRELAND)

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 Commercial Property Agency is an introductory qualification ideal for candidates wanting to gain and/or improve existing knowledge in the key areas related to commercial property agency. This qualification would suit those who are currently working, or aspiring to work, as a Commercial Property Agent, Commercial Property Valuer or Office Administrator.

## STRUCTURE

- Unit 1: Health and Safety, Security and General Law (COM1)
- Unit 2: Practice and Law Relating to Commercial Property Agency (CPA2)
- Unit 3: Law Relating to Commercial Property (CPA3)
- Unit 4: Commercial Property and Business Appraisal and Basic Building Construction (CPA4)

## 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 NAEA Commercial for membership purposes. For any queries on NAEA Commercial's membership then please contact them directly.

## QUALIFICATION SUMMARY AND KEY INFORMATION

<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 hours
<b>Grading</b>	Pass or Fail
<b>Entry requirements</b>	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 - <b>Added</b>	v1.2 Oct 2020
1 (COM1)	9	Data Protection Act 2018 - <b>Added</b>	v1.2 Oct 2020
2 (CPA2)	2	Equality Act 2010 - <b>Added</b>	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 Commercial Property Agency 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	<b>England and Wales:</b> Health and Safety at Work etc. Act 1974.  <b>Northern Ireland:</b> Health and Safety at Work (Northern Ireland) Order 1978.
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. <b>England and Wales:</b> Land and property: contracts that must be in writing; contracts that must be by deed. <b>Northern Ireland:</b> Land and property: contracts that must be evidenced in writing Statute of Frauds (Ireland) Act 1695; contracts that must be by deed Landlord and Tenant Law Amendment (Ireland) Act 1860.
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.

<p>7. Understand the basic concepts of land law</p>	<p>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</p>	<p><b>England and Wales:</b> freehold, commonhold, leasehold and licences.   <b>Northern Ireland:</b> freehold, leasehold and licences.   Easements, freehold covenants.</p>
<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><b>England and Wales:</b> Equality Act 2010.   <b>Northern Ireland:</b> Direct and indirect discrimination.  Different types of discrimination: gender, race, political opinion or religious belief, disability, age, sexual orientation.</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>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
CPA2	Practice and Law Relating to Commercial Property Agency	J/602/5446
<p>This unit is about the law a commercial and business transfer agent needs to know that is specific to the sale, acquisition and letting of commercial property. It deals with the common law duties and contract law relating to commercial property transactions. It stresses the importance of the agent knowing, understanding and complying with legislation and principles of best practice concerned with the provision of commercial and business transfer agency services.</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 law and practice relating to consumer and business protection and the provision of financial advice	1.1 Apply the requirements of consumer and business protection regulations to commercial property agency scenarios 1.2 Identify the scope, application and limitation of providing financial advice	Business Protection from Misleading Marketing Regulations 2008. Consumer Protection from Unfair Trading Regulations 2008. Financial Services and Markets Act 2000. Consumer Credit Act 1974.
2. Understand the statutory duties and responsibilities of a commercial agent	2.1 Distinguish between sole, joint, multiple, dual and sub agency instructions 2.2 Apply statutory provisions in respect of the role of a commercial agent 2.3 Demonstrate the primary professional and regulatory responsibilities of good agency practice 2.4 Illustrate the agent's obligations under equality legislation	Estate Agents Act 1979 and the 1991 Regulations and Orders. Codes of Practice. <b>England and Wales:</b> Equality Act 2010.  <b>Northern Ireland:</b> direct and indirect discrimination. Different types of discrimination: gender, race, political opinion or religious belief, disability, age, sexual orientation.
3. Understand the principles and processes of taking on a commercial agency instruction	3.1 Compare and contrast the methods of disposal and acquisition in relation to commercial and mixed-use premises 3.2 Demonstrate the importance of early and clear agency advice to clients with differing requirements 3.3 Apply professional standards and Codes of Practice to commercial agency scenarios including conflicts of interest 3.4 Prepare key elements of Terms of Business	Private treaty, auction, tender. Consumer Protection from Unfair Trading Regulations 2008. Codes of Practice.
4. Understand how to manage a commercial agency instruction	4.1 Apply statutory provisions and rules in relation to marketing material 4.2 Demonstrate the importance of the marketing mix using the range of marketing initiatives in relation to the disposal and acquisition of commercial property 4.3 Illustrate how marketing campaigns can be used to generate interest 4.4 Explain how the different parties and professionals involved in commercial sales and lettings interface	Business Protection from Misleading Marketing Regulations 2008. Consumer Protection from Unfair Trading Regulations 2008.
5. Understand the processes in the closure of an agency disposal acquisition or letting	5.1 Interpret how offers under different bases can be received, evaluated and process to contract completion 5.2 Determine the key aspects of the recorded in a Heads of Terms proposal 5.3 Explain the legal processes and best commercial practice leading to a successful sale or letting	

Unit Code	Unit Title	Unit Reference
CPA3	Law Relating to Commercial Property	L/602/5447
<p>This unit deals with the law relating to real property and commercial and business premises that an agent needs to know and understand when selling, acquiring and letting commercial property. It covers financial, rating, taxation and licensing matters concerning freehold and leasehold premises used for commercial and business purposes. Legislation relating to the use and occupation of commercial property is covered together with the procedures and roles of those involved in commercial transactions.</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 basic concepts of land law	1.1 Distinguish between freehold and leasehold tenure 1.2 Differentiate between leases and licences 1.3 Summarise the distinguishing features of freehold covenants and easements	
2. Understand business tenancy legislation	2.1 Appraise usual lease covenants and how they impact the landlord and tenant relationship 2.2 Apply statutory rules relating to alienation 2.3 Interpret lease clauses relating to rent reviews 2.4 Summarise the legislative security of tenure provisions for business tenancies 2.5 Summarise the requirements of forfeiture clauses and the service of Section 146 of the Law of Property Act 1925 notices 2.6 Apply the statutory rules for the assessment of compensation at the end of a tenancy 2.7 Apply the dilapidations protocol to the assessment and settlement of damages at lease termination	<b>England and Wales:</b> Part II of the Landlord and Tenant Act 1954 and Landlord and Tenant Act 1927.  <b>Northern Ireland:</b> Business Tenancies (Northern Ireland) Order 1996.
3. Understand the range and impact of taxation within the commercial property sector	3.1 Identify the key principles in the assessment and levying of business rates and council tax 3.2 Evaluate the main aspects applicable to capital and revenue taxes in relation to the acquisition holding and disposal of commercial property – inheritance tax, capital gains tax, corporation tax, income tax, VAT and SDLT	
4. Understand the various form of business organisations and the role of others within the property transfer process	4.1 Summarise the general legal requirements for all businesses 4.2 Evaluate the advantages and disadvantages of different forms of business organisation 4.3 Summarise the roles and duties of administrators, receivers and liquidators 4.4 Apply knowledge of business organisation to situations where agents deal with businesses and consumers 4.5 Summarise the legal process for the transfer of business premises or businesses, including financial matters and searches	Sole trader, partnership, limited liability partnership, private limited company, public limited company.
5. Understand the requirements of town and country planning law, other specific use regulation and equality requirements	5.1 Explain the main features of planning legislation in relation to commercial property 5.2 Appraise the concept of development under the Planning Acts 5.3 Demonstrate a practical understanding of development management in relation to protecting areas, buildings and monuments and non-protected buildings 5.4 Distinguish between planning classes and how changes of use operate 5.5 Apply the main objectives and features of the legislation governing the licensing of business premises and individuals 5.6 Apply the rules and codes relating to reasonable adjustments under disability discrimination legislation	

Unit Code	Unit Title	Unit Reference
CPA4	Commercial Property and Business Appraisal and Basic Building Construction	L/602/5450
<p>This unit is about the agent providing appraisal and valuation services and advice to the owners and/or occupiers of freehold and leasehold commercial and business premises prior to the sale or letting of their interests. It covers factors and techniques involved in valuation and marketing and requires the agent to know and understand the legislation and principles of best practice involved in the provision of such services to customers. It deals with financial and accounting issues relevant to the valuation, sale or letting of commercial and business premises. It requires the agent to recognise different types of building construction and be able to identify common building defects and their remedies.</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 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 effects of location, property type and age, 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 Apply the rules and techniques relating to the measurement of property	
2. Understand the main valuation methods applicable to commercial property	2.1 Summarise the main characteristics of the comparative, investment, residual and profit methods of valuation 2.2 Apply guidelines to the selection and adjustment of comparables to produce market valuations or a market guide to price 2.3 Apply appropriate theory and practice to produce valuations using the investment method of valuation 2.4 Apply accepted conventions to produce residual valuations for land or property with developments potential	
3. Understand how to use valuation techniques for the valuation leasehold interest, landlords and tenants situations and the zoning of retail premises	3.1 Apply valuation techniques to determine profit rents and head leasehold and sub-leasehold values 3.2 Apply valuation techniques to determine an appropriate premium, hope or synergistic value 3.3 Apply appropriate techniques to determine the size of zones in retail premises	
4. Understand the issues relating to environment matters affecting commercial buildings	4.1 Summarise the requirements of the energy performance buildings directive and the information shown in the Energy Performance Certificate 4.2 Distinguish between features in a property that have a large or small influence on energy efficiency 4.3 Appraise the impact on value on other environmental matters such as flooding, invasive species and deleterious materials 4.4 Apply the relevance of sustainability	Energy Performance Certificate (EPC).
5. Understand basic building construction relating to foundations, floors, walls and roofs	5.1 Distinguish when different types of foundation might be used 5.2 Differentiate between different types of construction 5.3 Apply the terminology used in window construction and replacement 5.4 Distinguish between the characteristics of flat and pitched roofs	

<p>6. Understand common building defects and repair requirements</p>	<p>6.1 Distinguish between subsidence, settlement and hogging 6.2 Apply basic criteria to determine the cause of cracking in walls 6.3 Summarise the repair solutions for a variety/foundation defects 6.4 Summarise the common defects found associated with flat and pitched roofs 6.5 Apply repairs solutions to specific roof defects 6.6 Distinguish between condensation, penetrating and rising damp, and the repair solutions available 6.7 Distinguish between the defects caused by wet rot and dry rot, and the remedial solutions available</p>	
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## 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%

Practice and Law relating to Commercial Property Agency (CPA2)	
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 Commercial Property (CPA3)	
Assessment details	Multiple choice exam 30 minutes
Number of questions	20
Assessment availability	On demand
First assessment availability	January 2018
Pass mark	70%

Commercial Property and Business Appraisal and Basic Building Construction (CPA4)	
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.