

# propertymark QUALIFICATIONS

LEVEL 3 AWARD IN  
THE SALE OF RESIDENTIAL PROPERTY  
(ENGLAND, WALES AND NORTHERN  
IRELAND)

QUALIFICATION SPECIFICATION

LIVE FROM OCTOBER 2020

---

## 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.

All material in this publication is copyright  
© Propertymark Qualifications 2020

# Contents

<b>ABOUT PROPERTYMARK QUALIFICATIONS</b>	<b>1</b>
<b>QUALIFICATION PURPOSE</b>	<b>4</b>
<b>STRUCTURE</b>	<b>4</b>
<b>ASSESSMENT GUIDANCE</b>	<b>4</b>
<b>OTHER INFORMATION</b>	<b>4</b>
<b>QUALIFICATION SUMMARY AND KEY INFORMATION</b>	<b>4</b>
<b>ASSESSMENT GUIDANCE UPDATES</b>	<b>4</b>
<b>QUALIFICATION UNITS</b>	<b>5</b>
HEALTH AND SAFETY, SECURITY AND GENERAL LAW	5
LAW RELATING TO RESIDENTIAL PROPERTY SALES	7
PRACTICE RELATING TO RESIDENTIAL PROPERTY SALES	8
PROPERTY APPRAISAL AND BASIC BUILDING CONSTRUCTION AND DEFECTS	9
<b>ASSESSMENT</b>	<b>10</b>
<b>REGISTRATION AND CERTIFICATION</b>	<b>11</b>
<b>REPLACEMENT CERTIFICATES</b>	<b>11</b>
<b>ENQUIRIES AND APPEALS POLICY</b>	<b>11</b>
<b>EXEMPTION POLICY</b>	<b>11</b>
<b>LEARNING MATERIALS</b>	<b>11</b>

## QUALIFICATION PURPOSE

The Level 3 Award in The Sale of Residential Property is ideal for candidates wanting to improve existing knowledge in the key areas related to residential sales. This qualification would suit those who are currently working, or aspiring to work, as a Sales Negotiator/Estate Agent, Property Valuer or Sales/Office Administrator.

## STRUCTURE

- Unit 1: Health and Safety, Security and General Law (COM1)
- Unit 2: Law Relating to Residential Property Sales (SRP2)
- Unit 3: Practice Relating to Residential Property Sales (SRP3)
- Unit 4: Property Appraisal and Basic Building Construction and 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 can fulfil part of the criteria to join various professional bodies and meet requirements of industry licensing schemes.

This qualification is recognised by NAEA PropertyMark for membership purposes. For any queries on NAEA PropertyMark'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 information</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 (SRP2)	5	Annual Tax on Enveloped Dwellings (ATED) - <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 The Sale of Residential Property 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	Authority: express, 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	Formation of a contract: offer, acceptance, consideration. Discharge of a contract: agreement and breach. Remedies: damages, specific performance, injunctions, rectification rescission. Land and property <b>England and Wales:</b> contracts that must be in writing; contracts that must be by deed. <b>Northern Ireland</b> contracts that must be in evidenced in writing Statute of Frauds (Ireland) Act 1695; 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.

<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, licences. Easements, freehold covenants.</p> <p><b>Northern Ireland</b> Freehold, leasehold, 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. Equality</p> <p><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
SRP2	Law Relating to Residential Property Sales	T/602/2011
This unit is about the codes of practice, common law and legislative provisions that is specific to carrying out residential property sales. It stresses the importance of the estate agent understanding and complying with all the relevant provisions.		
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 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: fees and charges, connected and unconnected persons, personal interest, dealing with deposits, 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.
2. Understand the common law and legislative protection available for consumers	2.1 Apply the provisions of appropriate consumer protection legislation to defined situations 2.2 Apply the appropriate business protection legislation to defined situations	Part 2 of the Consumer Rights Act 2015. 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.
3. Understand the restrictions and regulations covering the provision of financial advice	3.1 Differentiate what can and cannot be done by an estate agent in respect of financial advice 3.2 Select appropriate levels of authorisation for particular tasks	Financial Services and Markets Act 2000. Consumer Credit Act 1974.
4. Understand matters relating to development and 'For Sale' boards	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. Building Regulations. Conservation areas and listed buildings.
5. Understand tax requirements on property sales	5.1 Summarise the thresholds and rates of tax incurred in the purchase of residential property 5.2 Apply stamp duty land tax rules and rates to particular transaction details	<b>England and Northern Ireland:</b> Stamp duty land tax. <b>Wales:</b> Land transaction tax. Annual Tax on Enveloped Dwellings (ATED).

Unit Code	Unit Title	Unit Reference
SRP3	Practice Relating to Residential Property Sales	A/602/2012
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.		
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 different types of agency	1.1 Differentiate between sole agency and multiple agency terms 1.2 Know the advantages and disadvantages of different types of agency 1.3 Select appropriate situations when a sub agency might be beneficial	Estate Agency Act (Provision of information Regulations) 1991
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 to specified situations	Estate Agency Act (Provision of Information Regulations) 1991: sole agency, sole selling rights, ready willing and able buyer.
3. Understand the different methods of sale for residential property	3.1 Identify the processes involved in sales 3.2 Summarise the advantages and disadvantages of each method of sale 3.3 Select an appropriate method of sale for specified circumstances	Private treaty, auction, tender.
4. Understand the requirements to provide any associated documentation	4.1 Identify when associated documentation is required and when it is not 4.2 Identify the legislative requirements to the provision of information on detail sheets and advertisements	Energy performance standards. Display of fees.
5. Understand the requirements of different types of seller	5.1 Differentiate between the likely requirements of sellers 5.2 Determine the appropriate advice to sellers in specified situations	Sellers: private person, builders and developers, trustees and executors, order of the court, mortgagee in possession, corporate bodies
6. Understand basic marketing techniques and the role of advertising, selling and IT in estate agency	6.1 Identify basic marketing techniques and advertising types for specified situations 6.2 Identify selling techniques for particular situations 6.3 Categorising the use of different forms of IT in estate agency	Marketing mix. Marketing plans. SWOT analysis. Advertising. AIDA. Use of property portals, email campaigns, social media.
7. Understand how to deal with offers made on properties for sale	7.1 Identify how an offer made can be qualified 7.2 Identify the statutory, common law and Code of Practice rules to the reporting of offers 7.3 Differentiate between the relative strengths of multiple offers	
8. Understand the role of others in the house buying process	8.1 Identify what other parties are involved in the house buying process 8.2 Identify the legal process for the transfer of house ownership	Lenders, surveyors, conveyancers, insurers. Contract stage, conveyance (completion) stage.



Unit Code	Unit Title	Unit Reference
SRP4	Property Appraisal and Basic Building Construction and Defects	F/602/2013
<p>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.</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 Differentiate between the factors affecting property value 1.2 Apply issues of demand and supply to determine value 1.3 Assess the impact that environmental issues have on value	Tenure, location, property type, age and condition, size, construction method. Planning related issues: planning permission, building regulations, occupancy restrictions. Environmental issues: flooding, invasive species, protected species.
2. Understand the property appraisal process	2.1 Identify the factors involved in undertaking an appraisal 2.2 Identify the requirements for comparable evidence 2.3 Apply logical adjustments to comparables	Physical differences between properties. Changes to the state of the market or time of sale. Requirements of the seller.
3. Understand the differences between property styles and ages	3.1 Identify the characteristics of various property styles 3.2 Differentiate between different property types	
4. Understand basic building construction relating to foundations, floors, walls, roofs and services	4.1 Distinguish when different types of foundation might be used 4.2 Differentiate between different types of construction 4.3 Apply the terminology used in window construction including statutory requirements for the replacement of windows 4.4 Distinguish between the characteristics of flat and pitched roofs 4.5 Identify the requirements for services in residential property including renewable energy	Construction: solid, cavity, timber frame, steel frame, prefabricated.
5. Understand the common building and services defects and repair requirements	5.1 Apply basic criteria to determine the cause of cracking in walls 5.2 Identify repair solutions for given defects 5.3 Distinguish between condensation, penetrating and rising dampness 5.4 Identify the procedure to be followed where asbestos is discovered 5.5 Identify the defects commonly found in services	
6. Understand common warranty and certification schemes for new homes	6.1 Apply NHBC criteria to determine if a defect is covered by the warranty or not 6.2 Distinguish between NHBC warranties and those provided by others	

## 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.

<b>Unit 1: Health and Safety, Security and General Law</b>	
Assessment details	Multiple choice exam 30 minutes
Number of questions	20
Assessment availability	On demand
First assessment availability	January 2018
Pass mark	70%

<b>Unit 2: Law Relating to Residential Property Sales</b>	
Assessment details	Multiple choice exam 30 minutes
Number of questions	20
Assessment availability	On demand
First assessment availability	January 2018
Pass mark	70%

<b>Unit 3: Practice Relating to Residential Property Sales</b>	
Assessment details	Multiple choice exam 30 minutes
Number of questions	20
Assessment availability	On demand
First assessment availability	January 2018
Pass mark	70%

<b>Unit 4: Property Appraisal and Basic Building Construction and Defects</b>	
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.