



## **NFOPP Technical Award Commercial Property Agency (England and Wales) Syllabus**

### **Unit 1**

#### **Health & Safety, Security and General Law relating to Commercial Property Agency**

- Health & Safety at Work Act and security issues relating to self and others both within the workplace and outside when dealing with appraisals and viewings
- Safety and security issues in empty and occupied buildings including dealing with keys and information
- General legal concepts as they relate to the provision of commercial and business transfer agency services
- Simple contract dealing with offer, acceptance and consideration
- Torts including negligence; occupiers liability; vicarious liability
- Discrimination to include an appreciation of sexual, racial and disability discrimination
- Data Protection Act 1998
- Money Laundering Regulations 2007, Proceeds of Crime Act 2002, Terrorism Act 2000
- Consumer Protection against Unfair Trading Regulations 2008
- Control of Asbestos at Work Regulations 2002

### **Unit 2**

#### **Practice and Law relating to Commercial Property Agency**

- Common law duties of the property agent and staff, authority, agent of necessity
- The Estate Agents Act 1979, Provision of Information Regulations 1991 and Undesirable Practices Order 1991, in particular complying with section 18, knowledge of connected persons and personal interests, trigger mechanisms leading to warning and prohibition orders, rules for dealing with pre-contract deposits and clients' money
- Property Misdescriptions Act 1991, in particular what constitutes a statement under the Act, what are the specified matters, who polices the Act and what penalties can be imposed, use of disclaimers, due diligence procedures
- Financial Services & Markets Act 2000 and Consumer Credit Act 1974 in relation to the provision of financial services and advice within the agency practice
- Town & Country Planning Act 1990 (T&CPA) relating to agents' boards
- Agency terms 'sole agency', 'sole selling rights', 'ready, willing and able'
- Types of agency, sole agency, joint agency, multiple agency
- Methods of sale private treaty, auction, tender, conditional contracts, options
- Types of client, e.g. private persons, trustees, executors, order of court
- Marketing and advertising, styles and copy-writing, layout, media types, follow-up, rules, marketing plans, selling techniques, IT in agency e.g. use of web, email etc and the Energy Performance Certificate (EPC) Regulations
- Responsibilities of staff to clients and applicants including codes of practice and ethics, disclosure of personal interests and connected persons
- Dealing with offers, qualification of offers, dealing with multiple offers and stock
- Sales and Agency terminology

## Unit 3

### Law relating to Commercial Property

- Basic land law including Law of Property Act 1925; types of tenure including freehold, leasehold, long leasehold and license
- Landlord and Tenant Act 1954 and subsequent amendments including types of leases and lease terms including rent reviews, rights over land
- Stamp Duty rates and Stamp Duty Land Tax 2003
- Taxation, including VAT and capital gains tax.
- Uniform Business Rate and Council Tax
- Limited companies, partnerships, limited liability partnerships, receivers
- Licensing for the sale of intoxicating liquors
- Planning matters including use classes; building regulations; occupancy restrictions; disability discrimination; Tree Preservation Orders; listed buildings ; conservation areas
- Knowledge of the role of others in the property transfer process e.g. solicitors, surveyors and lending institutions, including knowledge of the sales process including enquiries and searches

## Unit 4

### Commercial Property and Business Appraisal and Basic Building Construction

- Factors affecting property value including:
  - location,
  - situation,
  - time of transaction,
  - ownership status,
  - availability,
- Age of property, size of property to include code of measuring practice, area of land, construction method, external and internal condition and design
- Type, style and age of property; and terminology and main features of properties
- Energy efficiency of buildings
- Common building defects and identifying features and rectification procedures
- Valuation methods – freehold and leasehold; comparative, investment, residual valuation, zoning; marriage value; valuation of leasehold interests
- The understanding and interpretation of Profit and Loss accounts and balance sheets
- Assessing the value of goodwill, premiums and profit rental assessment