



NFOPP Technical Award Real Property Auctioneering Syllabus

Unit 1

Health and Safety, Security and General Law relating to Real Property Auctioneering

- Health & Safety at Work Act and security issues relating to self and others both within the workplace and outside when dealing with advice on the marketing of real property by auction including the appraisals and subsequent viewings
- Safety and security issues in empty and occupied buildings including dealing with keys, information and viewings
- Safety and security issues specifically relating to real property auction sales and auction venues
- Discrimination to include an appreciation of sexual, racial, age and disability discrimination
- Basic Land Law
- Simple law of contract
- Data Protection Act 1998 both for office records and any video/ recording of auctions
- Money Laundering Regulations 2007 and Proceeds of Crime Act 2002; the requirements to establish office systems to comply including confirming the identity of clients and auction buyers and to report any suspicious circumstances
- Deposits at auction and the need to notify bidders re required documentation and procedures

Unit 2

Law Relating to Real Property Auctions

- Auctioneers Act 1845 – Section 7 – the ticket or board
- The Sales of Land by Auction Act 1867 – Section 5 – the reserve and right to bid on behalf of the seller
- The Auction Bidding Agreements Acts 1927 & 1969 – the operation of rings at auctions and duty of the auctioneer to report the existence to the police
- The Landlord & Tenant Act 1987 and The Housing Act 1996 – the right of residential tenants to buy the freehold interest and notices to be served
- Misrepresentation Act 1967, Property Misdescriptions Act 1991 – the auction catalogue/particulars, Addendum and comments by the auctioneer on the rostrum. Potential pitfalls – photographs, plans and artist's impressions
- The Estate Agents Act 1979 and orders made thereafter, Provision of Information Regulations 1991; Undesirable Practices Order 1991 and Estate Agents (Specified Offences) Orders 1991, in particular complying with Section 18, knowledge of connected persons and personal interests, trigger mechanisms leading to warning and prohibition orders, rules and real property auction best practice for dealing with deposits and clients money
- Sale of Goods Act 1979 and the sale of real property with chattels remaining in situ - for example the auction of a lockup shop with furnished tenanted flat above
The Common auction conditions for auctions of real estate in England and Wales as issued by RICS/NAVA – their importance to the authority of the auctioneer and simplicity of use

Unit 3

Real Property Auctioneering Practice and Procedures

- Auction agency agreement – terms of business between the seller & auctioneer
- Auction Guidance Notes issued by RICS – best practice and due diligence, the main headings of the content
- Methods of sale – private treaty, tender, public & private auction and the agent's duty of Care and Best Advice when advertising on the marketing of real property
- Types of seller – private persons, trustees, executors, order of court, statutory & local authorities, banks & financial institutions, companies, investors, religious orders etc
- Types of auction, types of reserve prices and the relationship to Price Guides with the legal implications for the auctioneer
- Marketing including managing on-line websites, advertising, right to sell prior to auction and HIPs including the Energy Performance Certificate (EPC) Regulations
- The auction catalogue/particulars – the essential content and once issued how to cope with subsequent alterations
- Photographs, plans and artist's impressions – potential pitfalls
- Unfair Terms in Consumer Contracts Regulations 1994

Unit 4

Property Appraisal and the Auction Process

- Factors affecting property value and the decisions to sell by auction including location, comparable property values, seller's expectations & circumstances, time of transaction, type of property, market forces, area of land, style of property, condition, planning & building regulations, occupancy restrictions, tenure and tenancies, leases.
- Responsibilities of staff to seller, buyer and the public including codes of practice and ethics, disclosure of personal interests and connected persons
- Handling of offers prior to the auction, qualifying offers, notifying other interested parties and procedures for contracting a sale prior to auction
- Private auctions and their application – negating the gazumping scenario
- Knowledge of others in the real property auction process – solicitors, surveyors and financial institutions including a knowledge of the conveyancing process for real property auctions
- Authority of the auctioneer during the auction process
- Electronic, Proxy and telephone bidding
- Post sale procedures with completion of the memorandum of sale, handling deposit monies and media reporting of sale results
- Consumers Estate Agent Redress Act 2007 and Ombudsman Services