businesscompanion
trading standards law explained

Terms used in property advertising (sales)

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In this guide, the words 'must' or 'must not' are used where there is a legal requirement to do (or not do) something. The word 'should' is used where there is established legal guidance or best practice that is likely to help you avoid breaking the law.

Introduction

This advice document was produced by the National Trading Standards Estate Agency Team (NTSEAT). NTSEAT is hosted by Powys County Council; it is the UK's lead enforcement authority for the purposes of the Estate Agents Act 1979 (EAA).

There are currently many terms used to describe the status of a property during the marketing process: 'new on the market', 'new instruction', 'under offer', 'sale agreed', 'sold subject to contract', 'sold', etc. These terms are widely used in advertisements, marketing boards and on property portal listings, but there is some confusion within the industry and amongst the public about the use of these terms and what they mean, which can lead to frustration and delay in the home buying and selling process.

Where there are delays in updating a property's status or the use of incorrect descriptions, this can lead to an agent being in breach of industry codes and their legal obligations. This information is not intended to require agents or portals to use the terms listed, but to provide a working definition when they are used.

The legal position

It is a legal requirement that the marketing status of a property is accurately described and updated in a timely manner, as this is material information for prospective purchasers and tenants (section 230 of the Digital Markets, Competition and Consumers Act 2024 (DMCCA)).

It is the responsibility of the agent to ensure that this information is clear, easily accessible to potential buyers and up to date while any advertising is still live. The use of any of the following terms is voluntary, but agents must still ensure that material information about the status of the property is clearly communicated to potential buyers.

Meaning of terms

Some of the explanations of the terms in the table below refer to 'a short period of time'. Any advice on the length of time for which the description 'short period of time' is used can only be very general. Material considerations such as the advertising medium, the buoyancy (or otherwise) of the market, the method of marketing, and the nature and vulnerability of the average consumer at whom the marketing in question is targeted will vary greatly, and only the courts will be able to decide, based on all the individual circumstances. Use of the terms for a period not exceeding one calendar month is unlikely, in the general course of events, to be considered misleading.

Definition of terms

Term	Meaning
New on the market	A property that has not been advertised since the last sale of that property. This description should only be used for short period of time
New instruction	A property that an agent has recently been instructed to market (it may have been offered for sale by another agent without being sold). The description should only be used for a short period of time
New and exclusive	A property that is exclusive to that agent or portal (depending on the context) and is either a new instruction or new on the market. The description 'new' should only be used for a short period of time, although the term 'exclusive' can be used for as long as it is applicable
New method of sale	A property that is now being advertised for sale using an alternative mechanism to the original advert - for example, changing to an auction or sealed bid. This description should only be used for a short period of time
Reduced	A property that has been recently reduced in price. Any reduction should be a genuine reduction against the previous price, in accordance with the Chartered Trading Standards Institute's *Guidance for Traders on Pricing Practices*
Under offer	A property where an offer has been received, and that offer is under consideration by the vendor; however, the property is normally still on the market, so further offers may be made, dependent upon the vendor's written instructions. This description should only be used until the offer is accepted or declined

Term	Meaning
Sale agreed	A property where an offer has been accepted by the seller, but (for example) contracts may not have been prepared or the buyer may not be in a final position to proceed. The property may or may not still be on the market; in other words, further offers may be made, dependent upon the seller's written instructions. The seller's decision on future marketing is material information in this context, and should be clearly stated on property listings to avoid any confusion amongst potential buyers. This description may be used until the property is sold or the sale falls through, as the case may be
Sold subject to contract (SSTC) (England, Northern Ireland and Wales)	A property where an offer has been accepted by the seller, subject to contracts being exchanged. The seller should be asked by the agent to confirm whether they would like the property to continue to be marketed for sale, and this decision should be clearly stated on property listings, as above. This description may be used until the sales process is complete or the sale falls through
Sold subject to conclusion of missives (Scotland)	A property where an offer has been accepted but the sale has not yet concluded, pending the exchange and agreement of the missives. The property should no longer be actively marketed for sale. In rare cases, the sale may still fall through, hence the use of this description
Sold	A property where the sale has concluded, resulting in the buyer becoming the legal owner of the property. 'Sold' property listings should be removed in line with property portal requirements, relevant codes of practice (for example, RICS's *UK Residential Real Estate Agency* 6th edition, The Property Ombudsman's *Code of Practice for Residential Estate Agents*, etc) and local planning laws

Dealing with offers

Any offer received on a property at any stage in the sales process must be communicated to the vendor in writing without delay. The only exception to this is where a vendor instructs the agent in writing that offers of a certain type do not need to be passed on, or where agents are under a statutory duty to delay passing on such offers (for example, where a suspicious activity report is being made). Agents must, therefore, establish at every significant stage of the sales process whether or not a vendor wishes to continue receiving offers.

Without written instructions to the contrary, the agent is obliged by law to continue passing on offers until contracts have been exchanged (England, Northern Ireland and Wales) or missives concluded (Scotland). Where instructions have been received that no further offers are to be accepted, this is material information and should be declared in the property listing and any other advertisement.

Trading Standards

For more information on the work of Trading Standards services and the possible consequences of not abiding by the law, please see 'Trading Standards: powers, enforcement and penalties'.

In this update

New guidance: June 2026

Key legislation

- Estate Agents Act 1979
- Digital Markets, Competition and Consumers Act 2024:
    - Part 4, Chapter 1

> **Please note**
>
> This information is intended for guidance; only the courts can give an authoritative interpretation of the law.
>
> The guide's 'Key legislation' links go to the legislation.gov.uk website. The site usually updates the legislation to include any amendments made to it. However, this is not always the case. Information on all changes made to legislation can be found by following the above links and clicking on the 'More Resources' tab.

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