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STATUTORY INSTRUMENTS

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**1992 No. 2834**

**CONSUMER PROTECTION**

**The Property Misdescriptions (Specified Matters) Order 1992**

*Made - - - - 11th November 1992*

*Laid before Parliament 18th November 1992*

*Coming into force - - 4th April 1993*

The Secretary of State, in exercise of the powers conferred upon him by section 1 of the Property Misdescriptions Act 1991(1), hereby makes the following Order:

1. This Order may be cited as the Property Misdescriptions (Specified Matters) Order 1992 and shall come into force on 4th April 1993.

2. The matters contained in the Schedule to this Order are hereby specified to the extent described in that Schedule for the purposes of section 1(1) of the Property Misdescriptions Act 1991.

11th November 1992

*Denton of Wakefield*  
Parliamentary Under Secretary of State,  
Department of Trade and Industry

## SCHEDULE

Article 2

### SPECIFIED MATTERS

1. Location or address.
2. Aspect, view, outlook or environment.
3. Availability and nature of services, facilities or amenities.
4. Proximity to any services, places, facilities or amenities.
5. Accommodation, measurements or sizes.
6. Fixtures and fittings.
7. Physical or structural characteristics, form of construction or condition.
8. Fitness for any purpose or strength of any buildings or other structures on land or of land itself.
9. Treatments, processes, repairs or improvements or the effects thereof.
10. Conformity or compliance with any scheme, standard, test or regulations or the existence of any guarantee.
11. Survey, inspection, investigation, valuation or appraisal by any person or the results thereof.
12. The grant or giving of any award or prize for design or construction.
13. History, including the age, ownership or use of land or any building or fixture and the date of any alterations thereto.
14. Person by whom any building, (or part of any building), fixture or component was designed, constructed, built, produced, treated, processed, repaired, reconditioned or tested.
15. The length of time during which land has been available for sale either generally or by or through a particular person.
16. Price (other than the price at which accommodation or facilities are available and are to be provided by means of the creation or disposal of an interest in land in the circumstances specified in section 23(1)(a) and (b) of the Consumer Protection Act 1987<sup>(2)</sup> or Article 16(1)(a) and (b) of the Consumer Protection (NI) Order 1987<sup>(3)</sup> (which relate to the creation or disposal of certain interests in new dwellings)) and previous price.
17. Tenure or estate.
18. Length of any lease or of the unexpired term of any lease and the terms and conditions of a lease (and, in relation to land in Northern Ireland, any fee farm grant creating the relation of landlord and tenant shall be treated as a lease).
19. Amount of any ground-rent, rent or premium and frequency of any review.
20. Amount of any rent-charge.
21. Where all or any part of any land is let to a tenant or is subject to a licence, particulars of the tenancy or licence, including any rent, premium or other payment due and frequency of any review.
22. Amount of any service or maintenance charge or liability for common repairs.

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(2) 1987 c. 43.

(3) 1987 No. 2049 (N.I. 20).

**23.** Council tax payable in respect of a dwelling within the meaning of section 3, or in Scotland section 72, of the Local Government Finance Act 1992**(4)** or the basis or any part of the basis on which that tax is calculated.

**24.** Rates payable in respect of a non-domestic hereditament within the meaning of section 64 of the Local Government Finance Act 1988**(5)** or, in Scotland, in respect of lands and heritages shown on a valuation roll or the basis or any part of the basis on which those rates are calculated.

**25.** Rates payable in respect of a hereditament within the meaning of the Rates (Northern Ireland) Order 1977**(6)** or the basis or any part of the basis on which those rates are calculated.

**26.** Existence or nature of any planning permission or proposals for development, construction or change of use.

**27.** In relation to land in England and Wales, the passing or rejection of any plans of proposed building work in accordance with section 16 of the Building Act 1984**(7)** and the giving of any completion certificate in accordance with regulation 15 of the Building Regulations 1991**(8)**.

**28.** In relation to land in Scotland, the granting of a warrant under section 6 of the Building (Scotland) Act 1959**(9)** or the granting of a certificate of completion under section 9 of that Act.

**29.** In relation to land in Northern Ireland, the passing or rejection of any plans of proposed building work in accordance with Article 13 of the Building Regulations (Northern Ireland) Order 1979**(10)** and the giving of any completion certificate in accordance with building regulations made under that Order.

**30.** Application of any statutory provision which restricts the use of land or which requires it to be preserved or maintained in a specified manner.

**31.** Existence or nature of any restrictive covenants, or of any restrictions on resale, restrictions on use, or pre-emption rights and, in relation to land in Scotland, (in addition to the matters mentioned previously in this paragraph) the existence or nature of any reservations or real conditions.

**32.** Easements, servitudes or wayleaves.

**33.** Existence and extent of any public or private right of way.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

Section 1 of the Property Misdescriptions Act 1991 confers power upon the Secretary of State to specify by Order matters relating to land, misdescriptions of which shall constitute an offence under the Act when given in the course of estate agency business or property development business (except when providing conveyancing services).

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**(4)** 1992 c. 14.

**(5)** 1988 c. 41.

**(6)** 1977 No. 2157 (N.I. 28).

**(7)** 1984 c. 55.

**(8)** S.I.1991/2768.

**(9)** 1959 c. 24.

**(10)** 1979 No. 1709 (N.I. 16).

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Article 2 and the Schedule to this Order specify those matters.