

Weak Enforcement Could Leave ‘Conditional Selling’ Widespread in Property Market

July 16, 2025

— Categories: Real Estate



The unlawful practice of “conditional selling” remains prevalent in the UK property sector, as insufficient regulatory enforcement allows estate agents to continue unchecked. This tactic involves pressuring prospective buyers to use an estate agent’s preferred mortgage broker or solicitor as a condition for having their offer considered, despite being a clear violation of the Estate Agents Act 1979.

Recent findings from mortgage advisers at Access Financial Services show that 63% of their clients experienced conditional selling between late 2023 and mid-2024. All advisers involved in the survey said their clients suffered some form of detriment, ranging from undue stress to confusion and delays in the homebuying process. Alarming, one in three respondents said the issue had worsened during that period.

While the practice is explicitly banned under both UK law and professional codes of conduct, it appears to be gaining traction, particularly as the housing market faces tighter margins. Industry insiders point out that some estate agencies, especially larger chains, are increasingly dependent on commission from in-house financial and legal services. As a result, certain sales negotiators are reportedly discouraging or outright refusing to present offers unless buyers agree to use affiliated service providers.

This practice not only disadvantages buyers but also distorts the competitive landscape for independent brokers and solicitors. It restricts consumer choice, drives up costs, and compromises the fairness of the sales process. Under the law, all offers must be passed on to the seller regardless of whether the buyer uses the agent's preferred broker. Yet in practice, enforcement remains sorely lacking.

Critics argue that the current regulatory framework is failing. There are no meaningful deterrents in place, and regulatory bodies have limited capacity to pursue offenders. Without firm penalties, estate agents treating compliance as optional are unlikely to change course.

From a market-oriented perspective, conditional selling undermines the principles of competition and transparency. Free markets depend on

informed choices and fair conduct, yet when buyers are coerced into using in-house services under threat of exclusion, those principles are abandoned.

To restore confidence in the property market, the government and relevant enforcement bodies must step in. That means tougher penalties, clearer oversight, and zero tolerance for practices that compromise consumer protection. Until that happens, conditional selling will remain a feature of the UK housing market and a clear symptom of regulatory failure.