

# Property Matters

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Homesforth Ltd

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## Consumer protection changes in force

**Y**ou might be surprised to understand that many, if not most, landlords are subject to consumer protection legislation. The relevant parts of the Digital Markets, Competition and Consumers Act 2024 (DMCCA) came into force on 6 April 2025. Furniture and Furnishings changes are coming in the Autumn too.

The name of the legislation implies a focus on digital markets but it applies more broadly governing practices across the consumer market. Letting agents and most landlords are considered as traders and so must comply.

The Consumer Protection from Unfair Trading Regulations 2008 (CPRs) have been repealed and incorporated into the new legislation.

One of the pertinent updates concerns 'fake or incentivised' reviews. These are difficult to police from the outside, so the onus has been put on the trader to take steps to prevent such reviews. Whilst straightforward to resolve on one's own website it's not so easy to resolve those on a 3<sup>rd</sup> party website.

The scope of the legislation has definitively been expanded to clarify that it applies to businesses operating both within and from outside the UK which engage with UK consumers.

The much discussed Trading Standards Material Information (MI) guidance which required tenants to be furnished with a broader and more defined range of material information was withdrawn, without warning, in mid May. MI was defined as information required for a consumer to make an informed transactional decision.

A subtle but impactful change concerns the test of what constitutes a misleading omission of MI. Previously to be seen as a misleading omission would have to have caused or been likely to cause the consumer to make a different transactional decision. The

test has been made easier for a trader to fall foul of as the test which now is simply the likelihood of a consumer making a different decision had they had all the MI.

Despite the withdrawal of the guidance the specific MI required by it, and anything else that could be MI, is still required. It's not gone away; we just don't have a checklist at the moment.

The Competitions and Markets Authority (CMA), now the lead enforcement authority, has published new guidance on what constitutes an unfair commercial practice under the DMCCA. The new legislation applies to all consumer markets so whilst it offers practical insights into when actions or omissions maybe seen as misleading, it's not lettings focused.

Who can be guilty of an offence has also been broadened. A trader promoting or supplying another trader's, or even a consumer's product to another consumer, may be liable for the other parties unfair commercial practice unless they can evidence that they carried out sufficient due diligence. This may seem to be more directed toward online retailers offering 3<sup>rd</sup> party products, but will potentially be impactful on Rent to Rent intermediate landlords who will not be able to hide behind a claim that the superior landlord did not tell me! If you are considering Rent to Rent only

let to a highly reputable Rent to Rent provider.

Significantly higher penalties can be sought by the CMA including unlimited fines and imprisonment although Trading Standards may also enforce unfair trading practices.

**Furniture and Furnishing changes**  
Amendments to the Furniture and Furnishings (Fire) (Safety) Regulations come into force on 28 October 2025.

Regulation 3 included a list of furniture for children and babies where the filling had to be fire retardant. Some items will be excluded from the requirement including changing mats, high chairs, mattresses intended for children and measuring less than 170cm by 75cm. The reasoning is that this age group don't smoke and so the risk of fire is greatly reduced and is less than the risk posed by the fire retardant chemicals to young children and babies. Landlords don't tend to supply children's furniture so it may be of limited impact.

Carpets, mats and some bedding (not including mattresses) will also be excluded.

From 28 October 2025 Retailers will no longer be required to ensure that the hanging labels are affixed at first supply to a consumer. The reasoning being that permanent labels, where required, provide all the necessary information. Inventory clerks may need to work a bit harder to ensure that furniture is compliant.

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