

# RICS CPO Professional Statement

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An Introduction

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Surveyors advising in respect of compulsory purchase and statutory compensation  
Effective from April 2017 RICS professional statement, UK

RICS professional statement (PS)

A document that provides members with mandatory requirements or a rule that a member or firm is expected to adhere to. This term also encompasses practice statements, Red Book professional standards, global valuation practice statements, regulatory rules, RICS Rules of Conduct and government codes of practice.

- Application and principal message**
- Duty in providing advice**
- Acceptance of, and changes to, instructions**
- Inspection**
- Reports**
- Fees**

## Application and principal message

1. You **must** be able to demonstrate a proper understanding of the statutes, statutory instruments, case law and government guidance in respect of the compulsory purchase code. **(2.5)**
2. You **must** ensure you are able to discharge your duties to the required standard and consider all matters material to the instruction. **(2.6)**
3. You **must** be aware of the changes in responsibility that will occur should your duties later involve acting as an expert witness, and how that may affect the carrying out of work prior to that change. **(2.7)**
4. Where you accept instructions to provide advice in respect of the compulsory purchase code, as soon as you become aware that judicial or quasi-judicial proceedings seem likely you **must** advise your client in writing of your ability or otherwise to comply with the RICS' practice statement Surveyors acting as expert witnesses (4<sup>th</sup> edition). **(2.8)**

## Duty in providing advice

5. Where information material to the advice being given is not available, or is not evidenced or corroborated to your satisfaction, you must clearly state this to your client and advise what assumptions have been made. (3.2)
6. You must endeavour to establish the material information and collect appropriate evidence during the period of your instruction. (3.2)
7. You must provide your client with balanced and professional advice that seeks to secure an equitable outcome for your client consistent with the requirement to agree fair and reasonable compensation, in accordance with the compulsory purchase code for a reasonable cost and within a reasonable timescale. (3.5)
8. On commencement of an instruction, you must provide your client with clear advice as to the basis on which, in your opinion relying on the information available, compensation is likely to be assessed in accordance with the compulsory purchase code. If your client is not prepared to proceed on the basis of what you consider to be a reasonable approach to the assessment of compensation, this must be identified and resolved. (3.6)
9. If you identify a material inaccuracy or change your view of a matter material to advice given, you must notify those instructing you without delay. (3.7)
10. Clients (on either side) can, and do, seek to influence surveyors. You **must** demonstrate your professionalism by maintaining a reasonable and balanced approach. **(3.8)**

## Acceptance of, and changes to, instructions

11. You **must not** accept instructions to provide advice in matters unless you have the:

- (a) requisite competence appropriate for the assignment and
- (b) resources to complete the assignment within the time scale and to the standard required. **(4.1)**

12. You **must**, prior to accepting instructions:

- (a) advise those instructing you in writing that this professional statement will apply and offer to supply a copy of the statement upon request;
- (b) ensure there is a written record, held by you, as to the matters on which advice is required, whether such written record is prepared on your initiative or those instructing;
- (c) confirm your terms of engagement to your client and
- (d) be satisfied no conflict of interest arises and take account of RICS' professional statements and guidance in respect of conflicts of interest. You **must** report any actual or potential conflict of interest to those instructing you as soon as it arises or becomes apparent. This applies both before and after instructions have been accepted. **(4.2)**

13. If your instructions are changed or supplemented, you **must** ensure there is a written record of this held as required in 4.1b above. **(4.3)**

## Inspection

14. Where an inspection of any property is required, it **must** always be carried out to the extent necessary to produce professionally competent advice having regard to its purpose and the circumstances of the case. **(5.1)**
  
15. A suitable record of the size, configuration, relevant features and condition of the property, which is representative of the circumstances at the compensation valuation date, **must** be prepared and where possible agreed with the other party. **(5.2)**

## Reports

16. In reporting your advice you **must** consider all matters material to the instruction. **(6.2)**

## Fees

17. Where a basis for calculating fees is proposed, the initiative will usually come from the claimant's surveyor, having received instructions from a claimant. You **must** demonstrate the basis for fees and disbursements is reasonable in relation to the complexity of the claim. **(7.2)**
18. When advising claimants you **must** ensure in all cases the basis on which you propose to charge fees, the arrangements for payment, and any subsequent changes are agreed with your client in writing. This agreement **must** be presented promptly to the acquiring authority. **(7.3)**
19. You **must** make clear to your clients, at the earliest opportunity and before time is incurred, that they bear ultimate liability for your fees on the agreed fee basis. You **must** advise your clients that they will be liable for any fees that are not borne by the acquiring authority. **(7.5)**
20. You **must** be clear with your clients and advise them when time is to be spent on matters that are not normally borne by the acquiring authority and do so before that time is incurred. **(7.6)**



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