

SCHEDULE

AGREEMENTS UNDER PART 1 OF THIS ACT

PART 3

SUPPLEMENTARY PROVISIONS

Duty to forward requests under paragraph 8 or 9 of Part 1

- 1.—(1) This paragraph applies to—
 - (a) a request by the occupier for the owner to approve a person for the purposes of paragraph 8(1) of Part 1 (see paragraph 8(2)), or
 - (b) a request by the occupier for the owner to approve a person for the purposes of paragraph 9(1) of Part 1 (see paragraph 8(2) as applied by paragraph 9(2)).
- (2) If a person (“the recipient”) receives such a request and the recipient—
 - (a) though not the owner, has an estate in the protected site, and
 - (b) believes that another person is the owner (and that the other person has not received such a request),

the recipient owes a duty to the occupier to take such steps as are reasonable to secure that the other person receives the request within the period of 28 days beginning with the date on which the recipient receives it.

(3) In paragraph 8(3) of Part 1 of this Schedule (as it applies to any request within sub-paragraph (1)) any reference to the owner receiving such a request includes a reference to the owner receiving it in accordance with sub-paragraph (2).

Action for breach of duty under paragraph 1

2.—(1) A claim that a person has broken the duty under paragraph 1(2) may be made the subject of civil proceedings in like manner as any other claim in tort for breach of statutory duty.

(2) The right conferred by sub-paragraph (1) is in addition to any right to bring proceedings, in respect of a breach of any implied term having effect by virtue of paragraph 8 or 9 of Part 1 of this Schedule, against a person bound by that term.