

SCHEDULE 3

Article 2(c)

OTHER MATTERS

1. The making by an estate agent, knowingly or recklessly and orally or in writing, of any misrepresentation—

- (a) as to the existence of, or details relating to, any offer for the interest in the land; or
- (b) as to the existence or status of any prospective purchaser of an interest in the land.

2. The failure by an estate agent to forward to his client promptly and in writing accurate details (other than those of a description which the client has indicated in writing he does not wish to receive) of any offer the estate agent has received from a prospective purchaser in respect of an interest in the land.

3. In this Schedule—

- (a) in paragraph 1 a misrepresentation is “recklessly” made if it is made regardless of whether it is true or false, whether or not the estate agent had reasons for believing that it might be false;
- (b) “offer” in paragraphs 1 and 2 includes any conditional offer, but does not include offers of a description which the client has indicated in writing to the estate agent need not be forwarded to him;
- (c) paragraph 1(a) does not affect the right of an auctioneer to bid at an auction in accordance with section 6 of the Sale of Land by Auction Act 1867(1) or in Scotland any rule of law of like effect;
- (d) the “status of any prospective purchaser” in paragraph 1(b) includes the financial standing of that purchaser and his ability to exchange contracts expeditiously or in Scotland conclude a contract expeditiously;
- (e) “forward” in paragraph 2 means despatch to the client by hand, post or fax at the address or to the number given by the client to the estate agent, which despatch may be made by the person by whom or which the service is being, or is to be, provided.