

These notes refer to the Contracts (Rights of Third Parties) Act 1999 (c.31) which received Royal Assent on 11 November 1999

CONTRACTS (RIGHTS OF THIRD PARTIES) ACT 1999

EXPLANATORY NOTES

COMMENTARY

Section 9: Northern Ireland

36. *Section 9* modifies the Act in its application to Northern Ireland and makes consequential repeals in existing Northern Ireland legislation.
37. *Subsection (2)* modifies section 6(2) so that, in Northern Ireland, it has effect with a reference to the Northern Ireland equivalent of section 14 of the Companies Act 1985. This is Article 25(1) of the Companies (Northern Ireland) Order 1986, which states-

““Subject to the provisions of this Order, the memorandum and articles, when registered, bind the company and its members to the same extent as if they respectively had been signed and sealed by each member, and contained covenants on the part of each member to observe all the provisions of the memorandum and of the articles.”
38. *Subsection (3)* modifies section 7 so that, in Northern Ireland, subsection (3) refers in appropriate terms to the Northern Ireland equivalents of sections 5 and 8 of the Limitation Act 1980. These are Articles 4(a) and 15 of the Limitation (Northern Ireland) Order 1989. Article 4(a) provides that an action founded on simple contract may not be brought after the expiration of six years from the date on which the cause of action accrued. Article 15 provides that an action upon an instrument under seal may not be brought after the expiration of 12 years from the date on which the cause of action accrued.
39. *Subsection (4)* repeals section 5 of the Law Reform (Husband and Wife) (Northern Ireland) Act 1964. This section modifies the rule of privity of contract in respect of contracts which are expressed to be for the benefit of, or expressly purport to confer a right on, the spouse or child of one of the contracting parties. As this Act makes comprehensive provision for third party beneficiaries under a contract, there is no longer any need for this provision. Subsection (4) also makes repeals in section 6 of the Law Reform (Husband and Wife) (Northern Ireland) Act 1964 Act which are consequential on the repeal of section 5 of that Act.