



Third Parties (Rights against Insurers) Act 2010

2010 CHAPTER 10

Relevant persons

4 Individuals

- (1) An individual is a relevant person if any of the following is in force in respect of that individual in England and Wales—
 - ^{F1}(a)
 - (b) an administration order made under Part 6 of the County Courts Act 1984,
 - (c) an enforcement restriction order made under Part 6A of that Act,
 - (d) subject to subsection (4), a debt relief order made under Part 7A of the Insolvency Act 1986,
 - (e) a voluntary arrangement approved in accordance with Part 8 of that Act, or
 - (f) a bankruptcy order made under Part 9 of that Act.
- (2) An individual is a relevant person if [^{F2}either] of the following is in force in respect of [^{F3}the individual's estate] in Scotland—
 - (a) an award of sequestration made [^{F4}by virtue of section 2 or 5 of the Bankruptcy (Scotland) Act 2016], [^{F5}or]
 - (b) a protected trust deed within the meaning of that Act, ^{F6}...
 - ^{F6}(c)
- (3) An individual is a relevant person if any of the following is in force in respect of that individual in Northern Ireland—
 - (a) an administration order made under Part 6 of the Judgments Enforcement (Northern Ireland) Order 1981 (S.I. 1981/226 (N.I. 6)),
 - (b) a deed of arrangement registered in accordance with Chapter 1 of Part 8 of the Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N.I. 19)),
 - [^{F7}(ba) subject to subsection (4), a debt relief order made under Part 7A of that Order,]
 - (c) a voluntary arrangement approved under Chapter 2 of Part 8 of that Order, or

*Status: Point in time view as at 30/11/2016.**Changes to legislation: There are currently no known outstanding effects for the Third Parties (Rights against Insurers) Act 2010, Cross Heading: Relevant persons. (See end of Document for details)*

- (d) a bankruptcy order made under Part 9 of that Order.
- (4) If an individual is a relevant person by virtue of subsection (1)(d) [^{F8}or (3)(ba)], that person is a relevant person for the purposes of section 1(1)(b) only.
- (5) Where an award of sequestration made [^{F9}by virtue of section 2 or 5 of the Bankruptcy (Scotland) Act 2016] is recalled or reduced, any rights which were transferred under section 1 as a result of that award are re-transferred to and vest in the person who became a relevant person as a result of the award.

^{F10}(6)

Textual Amendments

- F1** S. 4(1)(a) omitted (1.10.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), **Sch. 6 para. 2(22)** (with [Sch. 6 para. 3](#)); [S.I. 2015/1732](#), art. 2(e)(i)
- F2** Word in s. 4(2) substituted (30.11.2016) by [The Bankruptcy \(Scotland\) Act 2016 \(Consequential Provisions and Modifications\) Order 2016 \(S.I. 2016/1034\)](#), art. 1, **Sch. 1 para. 35(2)(a)(i)**
- F3** Words in s. 4(2) substituted (30.11.2016) by [The Bankruptcy \(Scotland\) Act 2016 \(Consequential Provisions and Modifications\) Order 2016 \(S.I. 2016/1034\)](#), art. 1, **Sch. 1 para. 35(2)(a)(ii)**
- F4** Words in s. 4(2)(a) substituted (30.11.2016) by [The Bankruptcy \(Scotland\) Act 2016 \(Consequential Provisions and Modifications\) Order 2016 \(S.I. 2016/1034\)](#), art. 1, **Sch. 1 para. 35(2)(a)(iii)**
- F5** Word in s. 4(2)(a) inserted (30.11.2016) by [The Bankruptcy \(Scotland\) Act 2016 \(Consequential Provisions and Modifications\) Order 2016 \(S.I. 2016/1034\)](#), art. 1, **Sch. 1 para. 35(2)(a)(iv)**
- F6** S. 4(2)(c) and word omitted (30.11.2016) by virtue of [The Bankruptcy \(Scotland\) Act 2016 \(Consequential Provisions and Modifications\) Order 2016 \(S.I. 2016/1034\)](#), art. 1, **Sch. 1 para. 35(2)(a)(v)**
- F7** S. 4(3)(ba) inserted (1.8.2016 being the day appointed for the coming into force of 2010 c. 10 by S.I. 2016/550) by [Insurance Act 2015 \(c. 4\)](#), s. 23(3)(b), **Sch. 2 para. 2(2)**
- F8** Words in s. 4(4) inserted (1.8.2016 being the day appointed for the coming into force of 2010 c. 10 by S.I. 2016/550) by [Insurance Act 2015 \(c. 4\)](#), s. 23(3)(b), **Sch. 2 para. 2(3)**
- F9** Words in s. 4(5) substituted (30.11.2016) by [The Bankruptcy \(Scotland\) Act 2016 \(Consequential Provisions and Modifications\) Order 2016 \(S.I. 2016/1034\)](#), art. 1, **Sch. 1 para. 35(2)(b)**
- F10** S. 4(6) omitted (30.11.2016) by virtue of [The Bankruptcy \(Scotland\) Act 2016 \(Consequential Provisions and Modifications\) Order 2016 \(S.I. 2016/1034\)](#), art. 1, **Sch. 1 para. 35(2)(c)**

Commencement Information

- I1** S. 4 in force at 1.8.2016 by [S.I. 2016/550](#), **art. 2**

5 Individuals who die insolvent

- (1) An individual who dies insolvent is a relevant person for the purposes of section 1(1)(b) only.
- (2) For the purposes of this section an individual (D) is to be regarded as having died insolvent if, following D's death—
- D's estate falls to be administered in accordance with an order under section 421 of the Insolvency Act 1986 or Article 365 of the Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N. I. 19)),
 - an award of sequestration is made [^{F11}by virtue of section 2 or 5 of the Bankruptcy (Scotland) Act 2016] in respect of D's estate and the award is not recalled or reduced, or

Status: Point in time view as at 30/11/2016.

Changes to legislation: There are currently no known outstanding effects for the Third Parties (Rights against Insurers) Act 2010, Cross Heading: Relevant persons. (See end of Document for details)

- (c) a judicial factor is appointed under section 11A of the Judicial Factors (Scotland) Act 1889 in respect of D's estate and the judicial factor certifies that the estate is absolutely insolvent within the meaning of the Bankruptcy (Scotland) Act [F122016].
- (3) Where a transfer of rights under section 1 takes place as a result of an insured person being a relevant person by virtue of this section, references in this Act to an insured are, where the context so requires, to be read as references to the insured's estate.

Textual Amendments

- F11** Words in s. 5(2)(b) substituted (30.11.2016) by [The Bankruptcy \(Scotland\) Act 2016 \(Consequential Provisions and Modifications\) Order 2016 \(S.I. 2016/1034\)](#), art. 1, **Sch. 1 para. 35(3)(a)**
- F12** Word in s. 5(2)(c) substituted (30.11.2016) by [The Bankruptcy \(Scotland\) Act 2016 \(Consequential Provisions and Modifications\) Order 2016 \(S.I. 2016/1034\)](#), art. 1, **Sch. 1 para. 35(3)(b)**

Commencement Information

- I2** S. 5 in force at 1.8.2016 by [S.I. 2016/550](#), art. 2

6 Corporate bodies etc

- [F13(1) A body corporate or unincorporated body is a relevant person if a compromise or arrangement between the body and its creditors (or a class of them) is in force, having been sanctioned in accordance with section 899 of the Companies Act 2006.]
- (2) A body corporate or an unincorporated body is a relevant person if, in England and Wales or Scotland—
- (a) a voluntary arrangement approved in accordance with Part 1 of the Insolvency Act 1986 is in force in respect of it,
 - [F14(b) the body is in administration under Schedule B1 to that Act,]
 - (c) there is a person appointed in accordance with Part 3 of that Act who is acting as receiver or manager of the body's property (or there would be such a person so acting but for a temporary vacancy),
 - (d) the body is, or is being, wound up voluntarily in accordance with Chapter 2 of Part 4 of that Act,
 - (e) there is a person appointed under section 135 of that Act who is acting as provisional liquidator in respect of the body (or there would be such a person so acting but for a temporary vacancy), or
 - (f) the body is, or is being, wound up by the court following the making of a winding-up order under Chapter 6 of Part 4 of that Act or Part 5 of that Act.
- (3) A body corporate or an unincorporated body is a relevant person if, in Scotland—
- (a) an award of sequestration has been made [F15by virtue of section 6 of the Bankruptcy (Scotland) Act 2016] in respect of the body's estate, and the body has not been discharged under that Act,
 - (b) the body has been dissolved and an award of sequestration has been made [F16by virtue of] that section in respect of its estate, [F17or]
 - (c) a protected trust deed within the meaning of the Bankruptcy (Scotland) Act [F182016] is in force in respect of the body's estate, F19...
 - F19(d)

Status: Point in time view as at 30/11/2016.

Changes to legislation: There are currently no known outstanding effects for the Third Parties (Rights against Insurers) Act 2010, Cross Heading: Relevant persons. (See end of Document for details)

- (4) A body corporate or an unincorporated body is a relevant person if, in Northern Ireland—
- (a) a voluntary arrangement approved in accordance with Part 2 of the Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N. I. 19)) is in force in respect of the body,
 - ^{F20}(b) the body is in administration under Schedule B1 to that Order,
 - (c) there is a person appointed in accordance with Part 4 of that Order who is acting as receiver or manager of the body's property (or there would be such a person so acting but for a temporary vacancy),
 - (d) the body is, or is being, wound up voluntarily in accordance with Chapter 2 of Part 5 of that Order,
 - (e) there is a person appointed under Article 115 of that Order who is acting as provisional liquidator in respect of the body (or there would be such a person so acting but for a temporary vacancy), or
 - (f) the body is, or is being, wound up by the court following the making of a winding-up order under Chapter 6 of Part 5 of that Order or Part 6 of that Order.
- ^{F21}(4A) A body corporate or unincorporated body is a relevant person if it is in insolvency under Part 2 of the Banking Act 2009.
- (4B) A body corporate or unincorporated body is a relevant person if it is in administration under relevant sectoral legislation as defined in Schedule A1.]
- (5) A body within ^{F22}subsection (1)] is not a relevant person in relation to a liability that is transferred to another body by the order sanctioning the compromise or arrangement.
- (6) Where a body is a relevant person by virtue of ^{F23}subsection (1)], section 1 has effect to transfer rights only to a person on whom the compromise or arrangement is binding.
- (7) Where an award of sequestration made ^{F24}by virtue of section 6 of the Bankruptcy (Scotland) Act 2016] is recalled or reduced, any rights which were transferred under section 1 as a result of that award are re-transferred to and vest in the person who became a relevant person as a result of the award.
- ^{F25}(8)
- (9) In this section—
- (a) a reference to a person appointed in accordance with Part 3 of the Insolvency Act 1986 includes a reference to a person appointed under section 101 of the Law of Property Act 1925;
 - (b) a reference to a receiver or manager of a body's property includes a reference to a receiver or manager of part only of the property and to a receiver only of the income arising from the property or from part of it;
 - (c) for the purposes of subsection (3) “body corporate or unincorporated body” includes any entity, other than a trust, the estate of which may be sequestrated ^{F26}by virtue of section 6 of the Bankruptcy (Scotland) Act 2016];
 - (d) a reference to a person appointed in accordance with Part 4 of the Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N. I. 19)) includes a reference to a person appointed under section 19 of the Conveyancing Act 1881.

Status: Point in time view as at 30/11/2016.

Changes to legislation: There are currently no known outstanding effects for the Third Parties (Rights against Insurers) Act 2010, Cross Heading: Relevant persons. (See end of Document for details)

Textual Amendments

- F13** S. 6(1) substituted (1.8.2016 immediately after 2010 c. 10 and 2015 c. 4, s. 20, Sch. 2 come into force by virtue of S.I. 2016/550) by [The Third Parties \(Rights against Insurers\) Regulations 2016 \(S.I. 2016/570\)](#), regs. 1(1), **7(1)(a)**
- F14** S. 6(2)(b) substituted (1.8.2016 being the day appointed for the coming into force of 2010 c. 10 by S.I. 2016/550) by [Insurance Act 2015 \(c. 4\)](#), s. 23(3)(b), **Sch. 2 para. 3(2)**
- F15** Words in s. 6(3)(a) substituted (30.11.2016) by [The Bankruptcy \(Scotland\) Act 2016 \(Consequential Provisions and Modifications\) Order 2016 \(S.I. 2016/1034\)](#), art. 1, **Sch. 1 para. 35(4)(a)(i)**
- F16** Words in s. 6(3)(b) substituted (30.11.2016) by [The Bankruptcy \(Scotland\) Act 2016 \(Consequential Provisions and Modifications\) Order 2016 \(S.I. 2016/1034\)](#), art. 1, **Sch. 1 para. 35(4)(a)(ii)**
- F17** Word in s. 6(3)(b) inserted (30.11.2016) by [The Bankruptcy \(Scotland\) Act 2016 \(Consequential Provisions and Modifications\) Order 2016 \(S.I. 2016/1034\)](#), art. 1, **Sch. 1 para. 35(4)(a)(iii)**
- F18** Word in s. 6(3)(c) substituted (30.11.2016) by [The Bankruptcy \(Scotland\) Act 2016 \(Consequential Provisions and Modifications\) Order 2016 \(S.I. 2016/1034\)](#), art. 1, **Sch. 1 para. 35(4)(a)(iv)**
- F19** S. 6(3)(d) and word omitted (30.11.2016) by virtue of [The Bankruptcy \(Scotland\) Act 2016 \(Consequential Provisions and Modifications\) Order 2016 \(S.I. 2016/1034\)](#), art. 1, **Sch. 1 para. 35(4)(a)(v)**
- F20** S. 6(4)(b) substituted (1.8.2016 being the day appointed for the coming into force of 2010 c. 10 by S.I. 2016/550) by [Insurance Act 2015 \(c. 4\)](#), s. 23(3)(b), **Sch. 2 para. 3(3)**
- F21** S. 6(4A)(4B) inserted (1.8.2016 immediately after 2010 c. 10 and 2015 c. 4, s. 20, Sch. 2 come into force by virtue of S.I. 2016/550) by [The Third Parties \(Rights against Insurers\) Regulations 2016 \(S.I. 2016/570\)](#), regs. 1(1), **3(1)**
- F22** Words in s. 6(5) substituted (1.8.2016 immediately after 2010 c. 10 and 2015 c. 4, s. 20, Sch. 2 come into force by virtue of S.I. 2016/550) by [The Third Parties \(Rights against Insurers\) Regulations 2016 \(S.I. 2016/570\)](#), regs. 1(1), **7(1)(b)**
- F23** Words in s. 6(6) substituted (1.8.2016 immediately after 2010 c. 10 and 2015 c. 4, s. 20, Sch. 2 come into force by virtue of S.I. 2016/550) by [The Third Parties \(Rights against Insurers\) Regulations 2016 \(S.I. 2016/570\)](#), regs. 1(1), **7(1)(b)**
- F24** Words in s. 6(7) substituted (30.11.2016) by [The Bankruptcy \(Scotland\) Act 2016 \(Consequential Provisions and Modifications\) Order 2016 \(S.I. 2016/1034\)](#), art. 1, **Sch. 1 para. 35(4)(b)**
- F25** S. 6(8) omitted (30.11.2016) by virtue of [The Bankruptcy \(Scotland\) Act 2016 \(Consequential Provisions and Modifications\) Order 2016 \(S.I. 2016/1034\)](#), art. 1, **Sch. 1 para. 35(4)(c)**
- F26** Words in s. 6(9)(c) substituted (30.11.2016) by [The Bankruptcy \(Scotland\) Act 2016 \(Consequential Provisions and Modifications\) Order 2016 \(S.I. 2016/1034\)](#), art. 1, **Sch. 1 para. 35(4)(d)**

Commencement Information

- I3** S. 6 in force at 1.8.2016 by [S.I. 2016/550](#), **art. 2**

[^{F27}6A Corporate bodies etc that are dissolved

- (1) A body corporate or unincorporated body is a relevant person if the body has been dissolved, subject to the exceptions in subsections (2) and (3).
- (2) The body is not a relevant person by virtue of subsection (1) if, since it was dissolved (or, if it has been dissolved more than once, since it was last dissolved), something has happened which has the effect that the body is treated as not having been dissolved or as no longer being dissolved.
- (3) Subsection (1) applies to a partnership only if it is a body corporate.

*Status: Point in time view as at 30/11/2016.**Changes to legislation: There are currently no known outstanding effects for the Third Parties (Rights against Insurers) Act 2010, Cross Heading: Relevant persons. (See end of Document for details)*

- (4) For the purposes of this section, “dissolved” means dissolved under the law of England and Wales, Scotland or Northern Ireland (whether or not by a process referred to as dissolution).]

Textual Amendments

- F27** S. 6A inserted (1.8.2016 immediately after 2010 c. 10 and 2015 c. 4, s. 20, Sch. 2 come into force by virtue of S.I. 2016/550) by [The Third Parties \(Rights against Insurers\) Regulations 2016 \(S.I. 2016/570\)](#), regs. 1(1), 4

7 Scottish trusts

- (1) A trustee of a Scottish trust is, in respect of a liability of that trustee that falls to be met out of the trust estate, a relevant person if—
- (a) an award of sequestration has been made [^{F28}by virtue of section 6 of the Bankruptcy (Scotland) Act 2016] in respect of the trust estate, and the trust has not been discharged under that Act, [^{F29}or]
 - (b) a protected trust deed within the meaning of that Act is in force in respect of the trust estate, ^{F30} ...
 - ^{F30}(c)
- (2) Where an award of sequestration made [^{F31}by virtue of section 6 of the Bankruptcy (Scotland) Act 2016] is recalled or reduced any rights which were transferred under section 1 as a result of that award are re-transferred to and vest in the person who became a relevant person as a result of the award.
- ^{F32}(3)
- (4) In this section “Scottish trust” means a trust the estate of which may be sequestrated [^{F33}by virtue of section 6 of the Bankruptcy (Scotland) Act 2016].

Textual Amendments

- F28** Words in s. 7(1)(a) substituted (30.11.2016) by [The Bankruptcy \(Scotland\) Act 2016 \(Consequential Provisions and Modifications\) Order 2016 \(S.I. 2016/1034\)](#), art. 1, **Sch. 1 para. 35(5)(a)(i)**
- F29** Word in s. 7(1)(a) inserted (30.11.2016) by [The Bankruptcy \(Scotland\) Act 2016 \(Consequential Provisions and Modifications\) Order 2016 \(S.I. 2016/1034\)](#), art. 1, **Sch. 1 para. 35(5)(a)(ii)**
- F30** S. 7(1)(c) and word omitted (30.11.2016) by virtue of [The Bankruptcy \(Scotland\) Act 2016 \(Consequential Provisions and Modifications\) Order 2016 \(S.I. 2016/1034\)](#), art. 1, **Sch. 1 para. 35(5)(a)(iii)**
- F31** Words in s. 7(2) substituted (30.11.2016) by [The Bankruptcy \(Scotland\) Act 2016 \(Consequential Provisions and Modifications\) Order 2016 \(S.I. 2016/1034\)](#), art. 1, **Sch. 1 para. 35(5)(b)**
- F32** S. 7(3) omitted (30.11.2016) by virtue of [The Bankruptcy \(Scotland\) Act 2016 \(Consequential Provisions and Modifications\) Order 2016 \(S.I. 2016/1034\)](#), art. 1, **Sch. 1 para. 35(5)(c)**
- F33** Words in s. 7(4) substituted (30.11.2016) by [The Bankruptcy \(Scotland\) Act 2016 \(Consequential Provisions and Modifications\) Order 2016 \(S.I. 2016/1034\)](#), art. 1, **Sch. 1 para. 35(5)(d)**

Commencement Information

- I4** S. 7 in force at 1.8.2016 by [S.I. 2016/550](#), **art. 2**

Status:

Point in time view as at 30/11/2016.

Changes to legislation:

There are currently no known outstanding effects for the Third Parties (Rights against Insurers) Act 2010, Cross Heading: Relevant persons.