



# Third Parties (Rights against Insurers) Act 2010

## 2010 CHAPTER 10

### *Relevant persons*

#### **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—
  - (a) 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)),
  - (b) an award of sequestration is made [<sup>F1</sup>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
  - (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 [<sup>F2</sup>2016].
- (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**

- F1** 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\(3\)\(a\)](#)
- F2** 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\(3\)\(b\)](#)

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**Changes to legislation:** There are currently no known outstanding effects for the Third Parties (Rights against Insurers) Act 2010, Section 5. (See end of Document for details)

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**Commencement Information**

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

**Changes to legislation:**

There are currently no known outstanding effects for the *Third Parties (Rights against Insurers) Act 2010, Section 5*.