



Insurance Act 2015

2015 CHAPTER 4

PART 6

AMENDMENT OF THE THIRD PARTIES (RIGHTS AGAINST INSURERS) ACT 2010

19 Power to change meaning of “relevant person” for purposes of 2010 Act

For section 19 of the Third Parties (Rights against Insurers) Act 2010 (power to amend sections 4 to 6 of the Act) substitute—

“19 Power to change the meaning of “relevant person”

- (1) The Secretary of State may by regulations make provision adding or removing circumstances in which a person is a “relevant person” for the purposes of this Act, subject to subsection (2).
- (2) Regulations under this section may add circumstances only if, in the Secretary of State’s opinion, the additional circumstances—
 - (a) involve actual or anticipated dissolution of a body corporate or an unincorporated body,
 - (b) involve actual or anticipated insolvency or other financial difficulties for an individual, a body corporate or an unincorporated body, or
 - (c) are similar to circumstances for the time being described in sections 4 to 7.
- (3) Regulations under this section may make provision about—
 - (a) the persons to whom, and the extent to which, rights are transferred under section 1 in the circumstances added or removed by the regulations (the “affected circumstances”),
 - (b) the re-transfer of rights transferred under section 1 where the affected circumstances change, and
 - (c) the effect of a transfer of rights under section 1 on the liability of the insured in the affected circumstances.

Status: This is the original version (as it was originally enacted).

- (4) Regulations under this section which add or remove circumstances involving actual or anticipated dissolution of a body corporate or unincorporated body may change the cases in which the following provisions apply so that they include or exclude cases involving that type of dissolution or any other type of dissolution of a body—
- (a) section 9(3) (cases in which transferred rights are not subject to a condition requiring the insured to provide information or assistance to the insurer), and
 - (b) paragraph 3 of Schedule 1 (notices requiring disclosure).
- (5) Regulations under this section which add circumstances may provide that section 1 of this Act applies in cases involving those circumstances in which either or both of the following occurred in relation to a person before the day on which the regulations come into force—
- (a) the circumstances arose in relation to the person;
 - (b) a liability against which the person was insured under an insurance contract was incurred.
- (6) Regulations under this section which—
- (a) add circumstances, and
 - (b) provide that section 1 of this Act applies in a case involving those circumstances in which both of the events mentioned in subsection (5) (a) and (b) occurred in relation to a person before the day on which the regulations come into force,
- must provide that, in such a case, the person is to be treated for the purposes of this Act as not having become a relevant person until that day or a later day specified in the regulations.
- (7) Regulations under this section which remove circumstances may provide that section 1 of this Act does not apply in cases involving those circumstances in which one of the events mentioned in subsection (5)(a) and (b) (but not both) occurred in relation to a person before the day on which the regulations come into force.
- (8) Regulations under this section may—
- (a) include consequential, incidental, supplementary, transitional, transitory or saving provision,
 - (b) make different provision for different purposes, and
 - (c) make provision by reference to an enactment as amended, extended or applied from time to time,
- (and subsections (3) to (7) are without prejudice to the generality of this subsection).
- (9) Regulations under this section may amend an enactment, whenever passed or made, including this Act.
- (10) Regulations under this section are to be made by statutory instrument.
- (11) Regulations under this section may not be made unless a draft of the statutory instrument containing the regulations has been laid before, and approved by a resolution of, each House of Parliament.”