

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Insurance Act 2015, SCHEDULE 2. (See end of Document for details)

SCHEDULES

PROSPECTIVE

SCHEDULE 2

Section 20

RIGHTS OF THIRD PARTIES AGAINST INSURERS: RELEVANT INSURED PERSONS

1 The Third Parties (Rights against Insurers) Act 2010 is amended as follows.

Individuals subject to debt relief orders in Northern Ireland

2 (1) Section 4 (relevant persons: individuals) is amended as follows.

(2) In subsection (3), after paragraph (b) (deed of arrangements registered under the Insolvency (Northern Ireland) Order 1989) insert—

“(ba) subject to subsection (4), a debt relief order made under Part 7A of that Order,”.

(3) In subsection (4) (individuals who are relevant persons for the purposes of section 1(1)(b) only), after “(1)(d)” insert “ or (3)(ba) ”.

Corporate bodies etc in administration

3 (1) Section 6 (corporate bodies etc) is amended as follows.

(2) In subsection (2) (events under the Insolvency Act 1986), for paragraph (b) substitute—

“(b) the body is in administration under Schedule B1 to that Act,”.

(3) In subsection (4) (events under the Insolvency (Northern Ireland) Order 1989), for paragraph (b) substitute—

“(b) the body is in administration under Schedule B1 to that Order,”.

Transitional cases

4 In section 1(5)(b) (definition of “relevant person”), at the end insert “ (and see also paragraph 1A of Schedule 3) ”.

5 (1) Schedule 3 (transitory, transitional and saving provision) is amended as follows.

(2) At the beginning insert— “ Application of this Act ”.

(3) After paragraph 1 insert—

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“Relevant persons

- 1A (1) An individual, company or limited liability partnership not within sections 4 to 7 is to be treated as a relevant person for the purposes of this Act in the following cases.
- (2) The first case is where an individual—
- (a) became bankrupt before commencement day, and
 - (b) has not been discharged from that bankruptcy.
- (3) The second case is where—
- (a) an individual made a composition or arrangement with his or her creditors before commencement day, and
 - (b) the composition or arrangement remains in force.
- (4) The third case is where—
- (a) a winding-up order was made, or a resolution for a voluntary winding-up was passed, with respect to a company or limited liability partnership before commencement day, and
 - (b) the company or partnership is still wound up.
- (5) The fourth case is where a company or limited liability partnership—
- (a) entered administration before commencement day, and
 - (b) is still in administration.
- (6) The fifth case is where—
- (a) a receiver or manager of the business or undertaking of a company or limited liability partnership was appointed before commencement day, and
 - (b) the appointment remains in force.
- (7) In those cases, the person is a relevant person only in relation to liabilities under a contract of insurance under which the person was insured at the time of the event mentioned in sub-paragraph (2)(a), (3)(a), (4)(a), (5)(a) or (6)(a) (as appropriate).”
- (4) Before paragraph 2 insert— “ Bankruptcy and Diligence etc (Scotland) Act 2007 ”.
- (5) Before paragraph 3 insert— “ Application of 1930 Acts ”.
- (6) Before paragraph 5 insert— “ Interpretation ”.

Interpretation

- 6 After section 19 insert—

“19A Interpretation

- (1) The references to enactments in sections 4 to 7, 9(7) and 14(4) and paragraph 3(2)(b), (4) and (5) of Schedule 1 are to be treated as including references to those enactments as amended, extended or applied by another enactment, whenever passed or made, unless the contrary intention appears.

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- (2) In this Act, “enactment” means an enactment contained in, or in an instrument made under, any of the following—
- (a) an Act;
 - (b) an Act or Measure of the National Assembly for Wales;
 - (c) an Act of the Scottish Parliament;
 - (d) Northern Ireland legislation.”

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