



# Third Parties (Rights Against Insurers) Act (Northern Ireland) 1930 <sup>F1</sup>

## 1930 CHAPTER 19

An Act to confer on third parties rights against insurers of third-party risks in the event of the insured becoming insolvent, and in certain other events. [25th November 1930]

**F1** 1971 c.59

### Modifications etc. (not altering text)

**C1** Act excluded by 1995 c. 21, s. 255P(7)(b) (as inserted (14.4.2015) by [Wreck Removal Convention Act 2011 \(c. 8\)](#), **ss. 1(2), 2(2)** (with s. 255T); S.I. 2015/133, art. 3)

## 1 Rights of third parties against insurers on bankruptcy, etc., of the insured.

(1) Where under any contract of insurance a person (in this Act referred to as “the insured”) is insured against liabilities to third parties which he may incur, then—

- (a) in the event of the insured becoming bankrupt or making a composition or arrangement with his creditors; or
- (b) in the case of the insured being a company, in the event of a winding-up order<sup>F2</sup> . . . . . being made, or a resolution for a voluntary winding-up being passed with respect to the company, [<sup>F3</sup>or of the company entering administration,] or of a receiver or manager of the company's business or undertaking being duly appointed, or of possession being taken, by or on behalf of the holders of any debentures secured by a floating charge, of any property comprised in or subject to the charge<sup>F4</sup> or of a voluntary arrangement proposed for the purposes of Part II of the Insolvency (Northern Ireland) Order 1989 being approved under that Part];

if, either before or after that event, any such liability as aforesaid is incurred by the insured, his rights against the insurer under the contract in respect of the liability shall, notwithstanding anything in any<sup>F4</sup> statutory provision] or rule of law to the contrary, be transferred to and vest in the third party to whom the liability was so incurred.

(2) Where<sup>F4</sup> the estate of any person falls to be administered in accordance with an order under Article 365 of the Insolvency (Northern Ireland) Order 1989] then, if any debt

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provable in bankruptcy is owing by the deceased in respect of a liability against which he was insured under a contract of insurance as being a liability to a third party, the deceased debtor's rights against the insurer under the contract in respect of that liability shall, notwithstanding anything in<sup>F4</sup> any such order], be transferred to and vest in the person to whom the debt is owing.

- (3) In so far as any contract of insurance made after the commencement of this Act in respect of any liability of the insured to third parties purports, whether directly or indirectly, to avoid the contract or to alter the rights of the parties thereunder upon the happening to the insured of any of the events specified in paragraph (a) or paragraph (b) of sub-section (1) of this section or upon the<sup>F4</sup> estate of any person falling to be administered in accordance with an order under Article 365 of the Insolvency (Northern Ireland) Order 1989], the contract shall be of no effect.
- (4) Upon a transfer under sub-section (1) or sub-section (2) of this section, the insurer shall, subject to the provisions of section three of this Act, be under the same liability to the third party as he would have been under to the insured, but—
- (a) if the liability of the insurer to the insured exceeds the liability of the insured to the third party, nothing in this Act shall affect the rights of the insured against the insurer in respect of the excess; and
  - (b) if the liability of the insurer to the insured is less than the liability of the insured to the third party, nothing in this Act shall affect the rights of the third party against the insured in respect of the balance.
- (5) For the purposes of this Act, the expression “liabilities to third parties,” in relation to a person insured under any contract of insurance, shall not include any liability of that person in the capacity of insurer under some other contract of insurance<sup>F4</sup> and in subsection (1) “statutory provision” has the meaning assigned to it by section 1(f) of the Interpretation Act (Northern Ireland) 1954].
- (6) This Act shall not apply—
- (a) where a company is wound up voluntarily merely for the purposes of reconstruction or of amalgamation with another company; or
  - (b) to any case to which sub-sections (1) and (2) of section seven of the Workmen's Compensation Act (Northern Ireland), 1927<sup>F5</sup>, apply.

**F2** Words in s. 1(1)(b) repealed (27.3.2006) by *Insolvency (Northern Ireland) Order 2005 (S.I. 2005/1455 (N.I. 10))*, arts. 1(3), 3(3), 31, Sch. 2 para. 3(a), Sch. 9; S.R. 2006/21, **art. 2** (with transitional provisions and savings in S.R. 2006/22, arts. 2 - 7)

**F3** Words in s. 1(1)(b) inserted (27.3.2006) by *Insolvency (Northern Ireland) Order 2005 (S.I. 2005/1455 (N.I. 10))*, arts. 1(3), 3(3), Sch. 2 para. 3(b); S.R. 2006/21, **art. 2** (with transitional provisions and savings in S.R. 2006/22, arts. 2 - 7)

**F4** 1989 NI 19

**F5** Rep. with saving, 1946 c.21 (NI)

## 2 Duty to give necessary information to third parties.

- (1) In the event of any person becoming bankrupt or making a composition or arrangement with his creditors, or in the event of<sup>F6</sup> the estate of any person falling to be administered in accordance with an order under Article 365 of the Insolvency (Northern Ireland) Order 1989], or in the event of a winding-up order<sup>F7</sup> . . . . . being made, or a resolution for a voluntary winding-up being passed, with respect to any company [<sup>F8</sup>or of the company entering

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administration] or of a receiver or manager of the company's business or undertaking being duly appointed or of possession being taken by or on behalf of the holders of any debentures secured by a floating charge of any property comprised in or subject to the charge, it shall be the duty of the bankrupt, debtor, personal representative of the deceased debtor or company, and (as the case may be) of the official assignee or trustee in bankruptcy, trustee, liquidator,<sup>[F6]</sup> administrator] receiver, or manager, or person in possession of the property, to give, at the request of any person claiming that the bankrupt, debtor, deceased debtor, or company is under a liability to him, such information as may reasonably be required by that person for the purpose of ascertaining whether any rights have been transferred to and vested in him by this Act and for the purpose of enforcing such rights, if any; and any contract of insurance, in so far as it purports, whether directly or indirectly, to avoid the contract or to alter the rights of the parties thereunder upon the giving of any such information in the events aforesaid, or otherwise to prohibit or prevent the giving thereof in the said events, shall be of no effect.

[<sup>F6</sup>(1A) The reference in subsection (1) to a trustee includes a reference to the supervisor of a voluntary arrangement proposed for the purposes of, and approved under, Part II or Chapter II of Part VIII of the Insolvency (Northern Ireland) Order 1989.]

- (2) If the information given to any person in pursuance of sub-section (1) of this section discloses reasonable ground for supposing that there have or may have been transferred to that person under this Act rights against any particular insurer, that insurer shall be subject to the same duty as is imposed by the said sub-section on the persons therein mentioned.
- (3) The duty to give information imposed by this section shall include a duty to allow all contracts of insurance, receipts for premiums, and other relevant documents in the possession or power of the person on whom the duty is so imposed, to be inspected and copies thereof to be taken.

**F6** 1989 NI 19

**F7** Words in s. 2(1) repealed (27.3.2006) by [Insolvency \(Northern Ireland\) Order 2005 \(S.I. 2005/1455 \(N.I. 10\)\)](#), arts 1(3), 3(3), 31, Sch. 2 para. 4(a), Sch. 9; S.R. 2006/21, [art. 2](#) (with transitional provisions and savings in S.R. 2006/22, arts. 2 - 7)

**F8** Words in s. 2(1)(b) inserted (27.3.2006) by [Insolvency \(Northern Ireland\) Order 2005 \(S.I. 2005/1455 \(N.I. 10\)\)](#), arts. 1(3), 3(3), Sch. 2 para. 4(b); S.R. 2006/21, [art. 2](#) (with transitional provisions and savings in S.R. 2006/22, arts. 2 - 7)

### 3 Settlement between insurers and insured persons.

Where the insured has become bankrupt or where, in the case of the insured being a company, a winding-up order<sup>[F9]</sup> or an administration order] has been made or a resolution for a voluntary winding-up has been passed with respect to the company, no agreement made between the insurer and the insured after liability has been incurred to a third party and after the commencement of the bankruptcy or winding-up<sup>[F9]</sup> of the day of the making of the administration order], as the case may be, nor any waiver, assignment, or other disposition made by, or payment made to, the insured after the commencement<sup>[F9]</sup> or day] aforesaid shall be effective to defeat or affect the rights transferred to the third party under this Act, but those rights shall be the same as if no such agreement, waiver, assignment, disposition or payment had been made.

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**F9** 1989 NI 19

[<sup>F10</sup>**3A** **Application to limited liability partnerships**

- (1) This Act applies to limited liability partnerships as it applies to companies.
- (2) In its application to limited liability partnerships, references to a resolution for a voluntary winding-up being passed are references to a determination for a voluntary winding-up being made.]

**F10** SR 2004/307

**4** **Short title.**

This Act may be cited as the Third Parties (Rights against Insurers) Act (Northern Ireland), 1930.

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