



Third Parties (Rights against Insurers) Act 2010

2010 CHAPTER 10

Enforcement of transferred rights

12 Limitation and prescription

- (1) Subsection (2) applies where a person brings proceedings for a declaration under section 2(2)(a), or for a declarator under section 3(2)(a), and the proceedings are started or, in Scotland, commenced—
 - (a) after the expiry of a period of limitation applicable to an action against the insured to enforce the insured's liability, or of a period of prescription applicable to that liability, but
 - (b) while such an action is in progress.
- (2) The insurer may not rely on the expiry of that period as a defence unless the insured is able to rely on it in the action against the insured.
- (3) For the purposes of subsection (1), an action is to be treated as no longer in progress if it has been concluded by a judgment or decree, or by an award, even if there is an appeal or a right of appeal.
- (4) Where a person who has already established an insured's liability to that person brings proceedings under this Act against the insurer, nothing in this Act is to be read as meaning—
 - (a) that, for the purposes of the law of limitation in England and Wales, that person's cause of action against the insurer arose otherwise than at the time when that person established the liability of the insured,
 - (b) that, for the purposes of the law of prescription in Scotland, the obligation in respect of which the proceedings are brought became enforceable against the insurer otherwise than at that time, or
 - (c) that, for the purposes of the law of limitation in Northern Ireland, that person's cause of action against the insurer arose otherwise than at the time when that person established the liability of the insured.

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

Commencement Information

I1 S. 12 in force at 1.8.2016 by S.I. 2016/550, art. 2

13 Jurisdiction within the United Kingdom

- (1) Where a person (P) domiciled in a part of the United Kingdom is entitled to bring proceedings under this Act against an insurer domiciled in another part, P may do so in the part where P is domiciled or in the part where the insurer is domiciled (whatever the contract of insurance may stipulate as to where proceedings are to be brought).
- (2) The following provisions of the Civil Jurisdiction and Judgments Act 1982 (relating to determination of domicile) apply for the purposes of subsection (1)—
 - (a) section 41(2), (3), (5) and (6) (individuals);
 - (b) section 42(1), (3), (4) and (8) (corporations and associations);
 - (c) section 45(2) and (3) (trusts);
 - (d) section 46(1), (3) and (7) (the Crown).
- (3) In Schedule 5 to that Act (proceedings excluded from general provisions as to allocation of jurisdiction within the United Kingdom) at the end add—

11 “Proceedings by third parties against insurers

Proceedings under the Third Parties (Rights against Insurers) Act 2010.”

Commencement Information

I2 S. 13 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*, Cross Heading: Enforcement of transferred rights.