



# 英國 2010 年第三人(向保險人請求權利)法

## Third Parties (Rights against Insurers) Act 2010

### Third Party 2010\*

#### 2010 CHAPTER 10

#### 2010 年第十章

An Act to make provision about the rights of third parties against insurers of liabilities to third parties in the case where the insured is insolvent, and in certain other cases.  
[25th March 2010]

於被保險人無法清償債務或於某些情況下，本法賦予第三人得向承保第三人風險之保險人為請求之權利。  
(2010 年 3 月 25 日)

#### Transfer of rights to third parties

#### 權利轉讓予第三人

##### 1. Rights against insurer of insolvent person etc

##### 1. 對無法清償債務之人等之保險人主張之權利

- (1) This section applies if—
  - (a) a relevant person incurs a liability against which that person is insured under a contract of insurance, or
  - (b) a person who is subject to such a liability becomes a relevant person.
- (2) The rights of the relevant person under the contract against the insurer in respect of the liability are transferred to and vest in the person to whom the liability is or was incurred (the “third party”).
- (3) The third party may bring proceedings to enforce the rights against the insurer without having established the relevant person's liability; but the third party may not enforce those rights without having established that liability.
- (4) For the purposes of this Act, a liability is established only if its existence and amount are established; and, for that purpose, “establish” means establish—
  - (a) by virtue of a declaration under section 2 or a declarator under section 3,
  - (b) by a judgment or decree,

- (1) 本條適用於下列情況：
  - (a) 發生責任之相關人依某保險契約為被承保之人，或
  - (b) 該人因發生該責任而成為該相關人。
- (2) 該相關人就相關責任依保險契約得向保險人主張之權利，應轉讓給並賦予責任對其所生或已生之人(稱“第三人”)。
- (3) 該第三人得在無須確定該相關人責任之情況下，向保險人為權利之主張而提起訴訟；但該第三人亦得在未確定該責任之情況，不執行該權利。
- (4) 為本法之目的，確認責任之存在及數額，責任即告確定；且為此目的，“確定”係指確定下列事項：
  - (a) 因第 2 條之宣告或依第 3 條之宣告，
  - (b) 因判決或裁定，

\* 於英美法用語，insolvent 與 bankruptcy 意義十分相近，且經常混用，兩者均可為“破產”或“無法清償債務”的意思，英格蘭/威爾斯慣用 insolvent，蘇格蘭慣用 bankruptcy。為便於區分，本譯文將 insolvent 翻譯成“無法清償債務”或類似用語(相關法律翻譯成“債務清理法”)，而將 bankruptcy 翻譯成“破產”(相關法律翻譯成“破產法”)。但應注意的是，無論如何翻譯，概屬破產或債務清理法下之同樣意義。



- (c) by an award in arbitral proceedings or by an arbitration, or
  - (d) by an enforceable agreement.
- (5) In this Act—
- (a) references to an “insured” are to a person who incurs or who is subject to a liability to a third party against which that person is insured under a contract of insurance;
  - (b) references to a “relevant person” are to a person within sections 4 to 7;
  - (c) references to a “third party” are to be construed in accordance with subsection (2);
  - (d) references to “transferred rights” are to rights under a contract of insurance which are transferred under this section.

## 2. Establishing liability in England and Wales and Northern Ireland

- (1) This section applies where a person (P)—
  - (a) claims to have rights under a contract of insurance by virtue of a transfer under section 1, but
  - (b) has not yet established the insured's liability which is insured under that contract.
- (2) P may bring proceedings against the insurer for either or both of the following—
  - (a) a declaration as to the insured's liability to P;
  - (b) a declaration as to the insurer's potential liability to P.
- (3) In such proceedings P is entitled, subject to any defence on which the insurer may rely, to a declaration under subsection (2)(a) or (b) on proof of the insured's liability to P or (as the case may be) the insurer's potential liability to P.
- (4) Where proceedings are brought under subsection (2)(a) the insurer may rely on any defence on which the insured could rely if those proceedings were proceedings brought against the insured in respect of the insured's liability to P.
- (5) Subsection (4) is subject to section 12(1).
- (6) Where the court makes a declaration under this section, the effect of which is that the insurer is liable to P, the court may give the appropriate judgment against the insurer.
- (7) Where a person applying for a declaration under subsection (2)(b) is entitled or required, by virtue of the contract of insurance, to do so in arbitral proceedings, that person may also apply in the same proceedings for a declaration under subsection (2)(a).
- (8) In the application of this section to arbitral proceedings, subsection (6) is to be read as if “tribunal” were substituted for “court” and “make the appropriate award” for “give the appropriate judgment”.
- (9) When bringing proceedings under subsection (2)(a), P may

- (c) 因仲裁程序之裁定或仲裁判斷，
  - (d) 因可執行之協議。
- (5) 於本法：
- (a) 述及”被保險人”者，意指對第三人發生或負有責任而依某保險契約被承保之人；
  - (b) 述及”相關人”者，意指第 4 條至第 7 條所指之人；
  - (c) 述及”第三人”者，意指第 2 項所指之人；
  - (d) 述及”權利讓與”者，意指依本條所載保險契約權利之讓與。

## 2. 於英格蘭及威爾斯及北愛爾蘭責任之確定

- (1) 本條適用於某人(P)：
  - (a) 依第 1 條保險契約權利讓與而有權為主張，但
  - (b) 該保險契約被保險人責任尚未確定者。
- (2) P 得以下列方式之任一向保險人提起訴訟：
  - (a) 被保險人對 P 之責任之聲明；
  - (b) 被保險人對 P 之潛在責任之聲明。
- (3) 於該訴訟程序中，於適用保險人得主張之任何抗辯事由外，P 得證明被保險人對 P 之責任或保險人對 P 的潛在責任，而有主張第 2 項(a)及(b)款聲明之權。
- (4) 依第 2 項(a)款所提起之訴訟程序中，保險人得主張被保險人本得主張之任何抗辯，一如該訴訟係因被保險人對 P 之責任而向被保險人提起般。
- (5) 第 4 項規定應受第 12 條第 1 項適用之限制。
- (6) 於法院依本條確認該聲明而具有保險人應向 P 負責之效力時，法院應針對保險人為適當之判決。
- (7) 某人依第 2 項(b)款為聲明之適用者，依保險契約有權或被要求於仲裁程序中，該人應適用第 2 項(a)款之同樣聲明程序。
- (8) 本條規定適用於仲裁程序時，第 6 項規定應解讀為，“仲裁庭”替代“法院”，以及“作出適當判斷”取代“作出適當判決”。
- (9) 依第 2 項 a 款提起訴訟程序時，於 P



also make the insured a defendant to those proceedings.

- (10) If (but only if) the insured is a defendant to proceedings under this section (whether by virtue of subsection (9) or otherwise), a declaration under subsection (2) binds the insured as well as the insurer.
- (11) In this section, references to the insurer's potential liability to P are references to the insurer's liability in respect of the insured's liability to P, if established.

### 3. Establishing liability in Scotland

- (1) This section applies where a person (P)—
  - (a) claims to have rights under a contract of insurance by virtue of a transfer under section 1, but
  - (b) has not yet established the insured's liability which is insured under that contract.
- (2) P may bring proceedings against the insurer for either or both of the following—
  - (a) a declarator as to the insured's liability to P;
  - (b) a declarator as to the insurer's potential liability to P.
- (3) Where proceedings are brought under subsection (2)(a) the insurer may rely on any defence on which the insured could rely if those proceedings were proceedings brought against the insured in respect of the insured's liability to P.
- (4) Subsection (3) is subject to section 12(1).
- (5) Where the court grants a declarator under this section, the effect of which is that the insurer is liable to P, the court may grant the appropriate decree against the insurer.
- (6) Where a person applying for a declarator under subsection (2)(b) is entitled or required, by virtue of the contract of insurance, to do so in an arbitration, that person may also apply in the same arbitration for a declarator under subsection (2)(a).
- (7) In the application of this section to an arbitration, subsection (5) is to be read as if “tribunal” were substituted for “court” and “make the appropriate award” for “grant the appropriate decree”.
- (8) When bringing proceedings under subsection (2)(a), P may also make the insured a defender to those proceedings.
- (9) If (but only if) the insured is a defender to proceedings under this section (whether by virtue of subsection (8) or otherwise), a declarator under subsection (2) binds the insured as well as the insurer.
- (10) In this section, the reference to the insurer's potential liability to P is a reference to the insurer's liability in respect of the insured's liability to P, if established.

#### Relevant persons

#### 4. Individuals

仍得將被保險人於該訴訟程序中列為被告。

- (10) 如(僅於)被保險人於本條訴訟程序中被列為被告(無論是否因第9項或其他原因),第2項之聲明同時拘束被保險人及保險人。
- (11) 於本條,述及被保險人對P之潛在責任亦述及被保險人對P所確定責任之被保險人責任。

### 第3條 於蘇格蘭之責任確定

- (1) 本條適用於某人(P):
  - (a)依第1條保險契約權利讓與而有權為主張,但
  - (b)該保險契約被保險人責任尚未確定者。
- (2) P得以下列方式之任一向保險人提起訴訟:
  - (a)被保險人對P之責任之聲明;
  - (b)被保險人對P之潛在責任之聲明。
- (3)依第2項(a)款所提起之訴訟程序中,保險人得主張被保險人本得主張之任何抗辯,一如該訴訟係因被保險人對P之責任而向被保險人提起般。
- (4)第3項規定應受第12條第1項適用之限制。
- (5)於法院依本條確認該聲明時而具有保險人應向P負責之效力時,法院應針對保險人為適當之判決。
- (6)某人依第2項(b)款為聲明之適用者,依保險契約有權或被要求於仲裁程序中,該人應適用第2項(a)款之同樣聲明程序。
- (7)本條規定適用於仲裁程序時,第5項規定應解讀為,“仲裁庭”替代“法院”,以及“作出適當判斷”取代“作出適當判決”。
- (8)依第2項a款提起訴訟程序時,於P仍得將被保險人於該訴訟程序中列為被告。
- (9)如(僅於)被保險人於本條訴訟程序中被列為被告(無論是否因第8項或其他原因),第2項之聲明同時拘束被保險人及保險人。
- (10)於本條,述及被保險人對P之潛在責任亦述及被保險人對P所確定責任之被保險人責任。

#### 相關人

#### 4. 個人



- (1) An individual is a relevant person if any of the following is in force in respect of that individual in England and Wales—
- (a) a deed of arrangement registered in accordance with the Deeds of Arrangement Act 1914,
  - (b) an administration order made under Part 6 of the County Courts Act 1984,
  - (c) an enforcement restriction order made under Part 6A of that Act,
  - (d) subject to subsection (4), a debt relief order made under Part 7A of the Insolvency Act 1986,
  - (e) a voluntary arrangement approved in accordance with Part 8 of that Act, or
  - (f) a bankruptcy order made under Part 9 of that Act.
- (2) An individual is a relevant person if any of the following is in force in respect of that individual (or, in the case of paragraph (a) or (b), that individual's estate) in Scotland—
- (a) an award of sequestration made under section 5 of the Bankruptcy (Scotland) Act 1985,
  - (b) a protected trust deed within the meaning of that Act, or
  - (c) a composition approved in accordance with Schedule 4 to that Act.
- (3) An individual is a relevant person if any of the following is in force in respect of that individual in Northern Ireland—
- (a) an administration order made under Part 6 of the Judgments Enforcement (Northern Ireland) Order 1981 (S.I. 1981/226 (N.I. 6)),
  - (b) a deed of arrangement registered in accordance with Chapter 1 of Part 8 of the Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N.I. 19)),
  - (c) a voluntary arrangement approved under Chapter 2 of Part 8 of that Order, or
  - (d) a bankruptcy order made under Part 9 of that Order.
- (4) If an individual is a relevant person by virtue of subsection (1)(d), that person is a relevant person for the purposes of section 1(1)(b) only.
- (5) Where an award of sequestration made under section 5 of the Bankruptcy (Scotland) Act 1985 is recalled or reduced, any rights which were transferred under section 1 as a result of that award are re-transferred to and vest in the person who became a relevant person as a result of the award.
- (6) Where an order discharging an individual from an award of sequestration made under section 5 of the Bankruptcy (Scotland) Act 1985 is recalled or reduced under paragraph 17 or 18 of Schedule 4 to that Act, the order is to be treated for the purposes of this section as never having been made.
- (1) 如某一於英格蘭及威爾斯的個人被法律認定為下列情況之一者，該個人即為相關人：
- (a) 依 1914 年破產安排契據法所登記之安排契據，
  - (b) 依 1984 年地方法院法第六部分所作出的破產保護令，
  - (c) 依該法第六 A 部分所作出的強制限制令，
  - (d) 於適用第 4 項情況下，依 1986 年債務清理法第七 A 部分所作出債務減免令，
  - (e) 依該法第八部分所認可的自願安排，
  - (f) 依該法第九部分所作出的破產令。
- (2) 如某一於蘇格蘭的個人被法律認定為下列情況之一者，該個人(或於第 a 款或 b 款之情況，該個人的財產)即為相關人：
- (a) 依 1985 年破產(蘇格蘭)法第 6 條已作出財產假扣押之處分，
  - (b) 依該法所定義之“信託保護契據”，或
  - (c) 依該法附錄四所認可之和解。
- (3) 如某一於北愛爾蘭的個人被法律認定為下列情況之一者，該個人即為相關人：
- (a) 依 1981 年判決執行(北愛爾蘭)法(法律編號 S.I.1981/226(N.I.6))所作出的破產保護令，
  - (b) 依 1989 年債務清理(北愛爾蘭)法(法律編號 S.I.1989/2405(N.I.19)) 所登記之安排契據，
  - (c) 依該法第八部分第二章所批准的自願安排，或
  - (d) 依該法第九部份所作出之破產令。
- (4) 如某個人係因第 1 項 d 款規定而為關係人，該人僅限成為第 1 條 1 項 b 款目的之關係人。
- (5) 依 1985 年破產(蘇格蘭)法第 5 條所作出的財產假扣押處分被撤銷或減少，因該處分命令而依第 1 條所讓與之任何權利應再次讓與或授與因該處分命令而成為第三人之人。
- (6) 依 1985 年破產(蘇格蘭)法第 5 條所作出財產假扣押處分而要求某個人為債務清償之命令依本法附錄四第 17 項及 18 項被撤銷或減少者，為本條之目的，該命令應以從未作出一般為處理。

## 5. Individuals who die insolvent

- (1) An individual who dies insolvent is a relevant person for the

## 第 5 條 死後無力償債之個人

- (1) 死後無力償債之個人僅為第 1 條 1 項 b



- 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 under section 5 of the Bankruptcy (Scotland) Act 1985 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 1985.
- (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.

## 6. Corporate bodies etc

- (1) A body corporate or an unincorporated body is a relevant person if—
- (a) a compromise or arrangement between the body and its creditors (or a class of them) is in force, having been sanctioned in accordance with section 899 of the Companies Act 2006, or
  - (b) the body has been dissolved under section 1000, 1001 or 1003 of that Act, and the body has not been—
    - (i) restored to the register by virtue of section 1025 of that Act, or
    - (ii) ordered to be restored to the register by virtue of section 1031 of that Act.
- (2) A body corporate or an unincorporated body is a relevant person if, in England and Wales or Scotland—
- (a) a voluntary arrangement approved in accordance with Part 1 of the Insolvency Act 1986 is in force in respect of it,
  - (b) an administration order made under Part 2 of that Act is in force in respect of it,
  - (c) there is a person appointed in accordance with Part 3 of that Act who is acting as receiver or manager of the body's property (or there would be such a person so acting but for a temporary vacancy),
  - (d) the body is, or is being, wound up voluntarily in accordance with Chapter 2 of Part 4 of that Act,
  - (e) there is a person appointed under section 135 of that Act who is acting as provisional liquidator in respect of the body (or there would be such a person so acting but for a temporary vacancy), or

款之目的而成為相關人。

- (2) 為本條規定之目的，某個人(D)於其死後，應被認定為死後無力償債：
- (a) D 的財產依 1986 年債務清理法第 421 條或 1989 年債務清理(北愛爾蘭)法第 365 條而被命破產保護，
  - (b) 依 1985 年破產(蘇格蘭)法第 5 條就有關 D 的財產已作出財產假扣押處分，且該處分未被撤銷或減少，或
  - (c) 依 1889 年司法管理人(蘇格蘭)法第 11A 條就有關 D 的財產業已指定司法管理人，且該司法管理人證明該財產已確定符合 1985 年破產(蘇格蘭)法無力償債之定義。
- (3) 被保險人因本條規定成為相關人而發生第 1 條權利讓與情況時，本法述及“被保險人”，就相關內文而言，應讀為述及“被保險人財產”。

## 第 6 條 法人組織等

- (1) 於下列情況下，法人團體或非公司法人為相關人：
- (a) 該法人與其債權人(或其中部分)所達成的債務清償協商或安排具效力，並依 2006 年公司法第 899 條規定為認可，或
  - (b) 該法人依該法第 1000 條、第 1001 條或第 1003 條業已解散，且該法人尚未：
    - (i) 依該法第 1025 條為回復登記，或
    - (ii) 依該法第 1031 條被命為回復登記。
- (2) 於下列情況下，法人團體或非公司法人於英格蘭及威爾斯或蘇格蘭為相關人：
- (a) 依 1986 年債務清理法第一部分所批准之自願安排且具效力中，
  - (b) 依該法第二部分作出破產保護令且具效力中，
  - (c) 依該法第三部分作為該法人財產之接管人或經理人之(或作為臨時接管人之)業經指派，
  - (d) 依該法第四部分第二章規定，該人已或正處以自願清算，
  - (e) 依該法第 135 條作為該法人之臨時清算人之(或作為臨時接管人之)業經指派，或



- (f) the body is, or is being, wound up by the court following the making of a winding-up order under Chapter 6 of Part 4 of that Act or Part 5 of that Act.
- (3) A body corporate or an unincorporated body is a relevant person if, in Scotland—
- (a) an award of sequestration has been made under section 6 of the Bankruptcy (Scotland) Act 1985 in respect of the body's estate, and the body has not been discharged under that Act,
  - (b) the body has been dissolved and an award of sequestration has been made under that section in respect of its estate,
  - (c) a protected trust deed within the meaning of the Bankruptcy (Scotland) Act 1985 is in force in respect of the body's estate, or
  - (d) a composition approved in accordance with Schedule 4 to that Act is in force in respect of the body.
- (4) A body corporate or an unincorporated body is a relevant person if, in Northern Ireland—
- (a) a voluntary arrangement approved in accordance with Part 2 of the Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N. I. 19)) is in force in respect of the body,
  - (b) an administration order made under Part 3 of that Order is in force in respect of the body,
  - (c) there is a person appointed in accordance with Part 4 of that Order who is acting as receiver or manager of the body's property (or there would be such a person so acting but for a temporary vacancy),
  - (d) the body is, or is being, wound up voluntarily in accordance with Chapter 2 of Part 5 of that Order,
  - (e) there is a person appointed under Article 115 of that Order who is acting as provisional liquidator in respect of the body (or there would be such a person so acting but for a temporary vacancy), or
  - (f) the body is, or is being, wound up by the court following the making of a winding-up order under Chapter 6 of Part 5 of that Order or Part 6 of that Order.
- (5) A body within subsection (1)(a) is not a relevant person in relation to a liability that is transferred to another body by the order sanctioning the compromise or arrangement.
- (6) Where a body is a relevant person by virtue of subsection (1)(a), section 1 has effect to transfer rights only to a person on whom the compromise or arrangement is binding.
- (7) Where an award of sequestration made under section 6 of the Bankruptcy (Scotland) Act 1985 is recalled or reduced, any rights which were transferred under section 1 as a result of that award are re-transferred to and vest in the person who became a relevant person as a result of the award.
- (8) Where an order discharging a body from an award of sequestration made under section 6 of the Bankruptcy (Scotland) Act 1985 is recalled or reduced under paragraph 17 or 18 of Schedule 4 to that Act, the order is to be treated
- (f) 依該法第四部分第六章或該法第五部分規定，該人已或正處以法院命令清算之情況。
- (3) 於下列情況下，法人團體或非公司法人於蘇格蘭為相關人：
- (a) 依 1985 年破產(蘇格蘭)法第 6 條對該法人的財產已作出財產假扣押之處分，且該法人尚未依該法為債務清償，
  - (b) 該法人已解散，且依條文業已針對其財產作出假扣押處分，
  - (c) 有關該法人財產業已成立 1985 年破產(蘇格蘭)法該法所定義之“信託保護契據”且具效力中，或
  - (d) 該法人依該法附錄四所認可之和解且具效力中。
- (4) 於下列情況下，法人團體或非公司法人於北愛爾蘭為相關人：
- (a) 該法人依 1989 年債務清理(北愛爾蘭)法(法律編號 S.I.1989/2405(N.I.19)) 所批准的自願安排且具效力中，
  - (b) 依該法第三部分對該法人所作出的破產保護令且具效力中，
  - (c) 依該法第四部分作為該法人財產之接管人或經理人之(或作為臨時接管人之)業經指派，
  - (d) 依該法第五部分第二章規定，該法人已或正處於自願清算中，
  - (e) 依該法第 115 條作為該法人之臨時清算人之(或作為臨時接管人之)業經指派，或
  - (f) 依該法第五部分第六章或該法第六部分規定，該法人已或正處以法院命令清算之情況。
- (5) 第 1 項 a 款之法人就其債務因被命債務和解或安排而讓與給另一人者，該法人並非關係人。
- (6) 如某法人係因第 1 項 a 款規定而為關係人，該人僅就第 1 條權利讓與給債務和解或安排受拘束之人且具效力時，始得為關係人。
- (7) 依 1985 年破產(蘇格蘭)法第 6 條所作出的財產假扣押處分被撤銷或減少，因該處分命令而依第 1 條所讓與之任何權利應再次讓與或授與因該處分命令而成為第三人之人。
- (8) 依 1985 年破產(蘇格蘭)法第 6 條所作出財產假扣押處分而要求某法人為債務清償命令依本法附錄四第 17 及 18 項被撤銷或減少者，為本條之目的，



for the purposes of this section as never having been made.

- (9) In this section—
- (a) a reference to a person appointed in accordance with Part 3 of the Insolvency Act 1986 includes a reference to a person appointed under section 101 of the Law of Property Act 1925;
  - (b) a reference to a receiver or manager of a body's property includes a reference to a receiver or manager of part only of the property and to a receiver only of the income arising from the property or from part of it;
  - (c) for the purposes of subsection (3) “body corporate or unincorporated body” includes any entity, other than a trust, the estate of which may be sequestrated under section 6 of the Bankruptcy (Scotland) Act 1985;
  - (d) a reference to a person appointed in accordance with Part 4 of the Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N. I. 19)) includes a reference to a person appointed under section 19 of the Conveyancing Act 1881.

## 7. Scottish trusts

- (1) A trustee of a Scottish trust is, in respect of a liability of that trustee that falls to be met out of the trust estate, a relevant person if—
  - (a) an award of sequestration has been made under section 6 of the Bankruptcy (Scotland) Act 1985 in respect of the trust estate, and the trust has not been discharged under that Act,
  - (b) a protected trust deed within the meaning of that Act is in force in respect of the trust estate, or
  - (c) a composition approved in accordance with Schedule 4 to that Act is in force in respect of the trust estate.
- (2) Where an award of sequestration made under section 6 of the Bankruptcy (Scotland) Act 1985 is recalled or reduced any rights which were transferred under section 1 as a result of that award are re-transferred to and vest in the person who became a relevant person as a result of the award.
- (3) Where an order discharging an individual, body or trust from an award of sequestration made under section 6 of the Bankruptcy (Scotland) Act 1985 is recalled or reduced under paragraph 17 or 18 of Schedule 4 to that Act, the order is to be treated for the purposes of this section as never having been made.
- (4) In this section “Scottish trust” means a trust the estate of which may be sequestrated under section 6 of the Bankruptcy (Scotland) Act 1985.

### Transferred rights: supplemental

## 8. Limit on rights transferred

Where the liability of an insured to a third party is less than the

該命令應以從未作出一般為處理。

- (9) 於本條：
- (a) 述及 1986 年債務清理法第三部分所指派之人，包括述及 1925 年財產法第 101 條所指派之人；
  - (b) 述及某法人財產之接管人或經理人，包括述及該財產一部分之接管人或經理人，以及從該財產或其部分所生收益之接管人；
  - (c) 為第 3 項之目的，“法人團體或非公司法人”包括除信託以外之任何實體，及於 1985 年破產(蘇格蘭)法第 6 條所設立之資產。
  - (d) 述及 1989 年債務清理(北愛爾蘭)法第四部分所指派之人，包括述及 1881 年財產讓渡法第 19 條所指派之人。

## 第 7 條 蘇格蘭信託

- (1) 蘇格蘭信託下受託人，就有關該受託人於信託財產以外之責任，於下列情況下為相關人：
  - (a) 依 1985 年破產(蘇格蘭)法第 6 條已針對信託財產作出財產假扣押之處分，且該信託尚未依該法為解除，
  - (b) 依該法所定義之“信託保護契據”就該相關信託財產仍具效力中，或
  - (c) 依該法附錄四就該相關信託財產所認可之和解仍具效力中。
- (2) 依 1985 年破產(蘇格蘭)法第 6 條所作出的財產假扣押處分被撤銷或減少，因該處分命令而依第 1 條所讓與之任何權利應再次讓與或授與因該處分命令而成為第三人之人。
- (3) 依 1985 年破產(蘇格蘭)法第 6 條所作出財產假扣押處分而要求某個人、法人或信託為債務清償命令依本法附錄四第 17 及 18 項被撤銷或減少者，為本條之目的，該命令應以從未作出一般為處理。
- (4) 於本條，“蘇格蘭信託”係指 1985 年破產(蘇格蘭)法第 6 條所指可設定之財產信託。

### 所讓與之權利：補充規定

## 第 8 條 所讓與權利之限制

被保險人對第三人之責任低於保險人對



liability of the insurer to the insured (ignoring the effect of section 1), no rights are transferred under that section in respect of the difference.

## 9. Conditions affecting transferred rights

- (1) This section applies where transferred rights are subject to a condition (whether under the contract of insurance from which the transferred rights are derived or otherwise) that the insured has to fulfil.
- (2) Anything done by the third party which, if done by the insured, would have amounted to or contributed to fulfilment of the condition is to be treated as if done by the insured.
- (3) The transferred rights are not subject to a condition requiring the insured to provide information or assistance to the insurer if that condition cannot be fulfilled because the insured is—
  - (a) an individual who has died, or
  - (b) a body corporate that has been dissolved.
- (4) A condition requiring the insured to provide information or assistance to the insurer does not include a condition requiring the insured to notify the insurer of the existence of a claim under the contract of insurance.
- (5) The transferred rights are not subject to a condition requiring the prior discharge by the insured of the insured's liability to the third party.
- (6) In the case of a contract of marine insurance, subsection (5) applies only to the extent that the liability of the insured is a liability in respect of death or personal injury.
- (7) In this section—

“contract of marine insurance” has the meaning given by section 1 of the Marine Insurance Act 1906;

“dissolved” means dissolved under—

  - (a) Chapter 9 of Part 4 of the Insolvency Act 1986,
  - (b) section 1000, 1001 or 1003 of the Companies Act 2006, or
  - (c) Chapter 9 of Part 5 of the Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N. I. 19));

“personal injury” includes any disease and any impairment of a person's physical or mental condition.

## 10. Insurer's right of set off

- (1) This section applies if—
  - (a) rights of an insured under a contract of insurance have been transferred to a third party under section 1,
  - (b) the insured is under a liability to the insurer under the contract (“the insured's liability”), and

被保險人之責任(無論第 1 條規定效力為何), 該差額部分之權利不得讓與。

## 第 9 條 影響權利讓與之情況

- (1) 本條適用於當權利讓與應依據被保險人已充分履行其義務之情況(無論保險契約所讓與之權利是否被剝奪)。
- (2) 第三人所為之任何事項, 一如被保險人所為, 將構成或造成應履行之情況時, 應以如同被保險人所為般為處理。
- (3) 該所讓與之權利不應以要求被保險人提供資料或協助給保險人作為條件, 且該條件將會因下列原因而無法達成:
  - (a) 某個人之死亡, 或
  - (b) 某法人團體解散。
- (4) 要求被保險人提供資料或協助給保險人之條件不應包括要求被保險人應將保險契約所存在之求償情事通知保險人之條件。
- (5) 該讓與之權利不應以要求被保險人先完成被保險人對第三人之責任之債務清償作為條件。
- (6) 於海上保險契約, 第 5 項僅適用於被保險人責任係有關人命傷亡責任範圍。
- (7) 於本條:

“海上保險契約”與 1906 年海上保險法第 1 條所規定之定義相同;

“解散”係指依下列情況之解散:

  - (a) 依 1986 年債務清理法第四部分第九章,
  - (b) 依 2006 年公司法第 1000 條、第 1001 條或第 1003 條, 或
  - (c) 1989 年債務清理(北愛爾蘭)法(法律編號 S.I. 1989/2405(N.I.19))第五部分第九章。

“個人受傷”包括個人身體或精神狀態的任何疾病及任何傷害。

## 第 10 條 保險人抵銷的權利

- (1) 於下列情況, 本條適用之:
  - (a) 被保險人於某保險契約下的權利業已依第 1 條讓與給某第三人,
  - (b) 被保險人依契約仍承擔對保險人之責任(以下稱為“被保險人責任”), 且





- (c) if there had been no transfer, the insurer would have been entitled to set off the amount of the insured's liability against the amount of the insurer's own liability to the insured.
- (2) The insurer is entitled to set off the amount of the insured's liability against the amount of the insurer's own liability to the third party in relation to the transferred rights.

### Provision of information etc

#### 11. Information and disclosure for third parties

Schedule 1 (information and disclosure for third parties) has effect.

#### 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

(c)如無讓與情況，保險人將有權就被保險人責任之數額及保險人自己對被保險人之責任間之數額主張抵銷。

- (2)保險人有權就被保險人責任之數額相對於就有關該權利讓與保險人自己對第三人責任之數額主張抵銷。

### 資訊提供等

#### 第 11 條 給第三人之資料及告知<sup>φ</sup>

附錄一(給第三人的資料及告知)生效適用。

#### 讓與權利之強制執行

#### 第 12 條 訴訟時效與消滅期間<sup>θ</sup>

- (1)第 2 項適用於某人依第 2 條 2 項 a 款之聲明或為第 3 條 2 項 a 款之聲明人而提起訴訟，且該訴訟業已開始，或於蘇格蘭，業依下列情況開始：
- (a)適用於執行被保險人責任而對被保險人訴訟之訴訟時效或適用該責任之消滅時效屆滿後，但
- (b)該訴訟仍處於繫屬中。
- (2)保險人不得主張該期間業已屆滿作為抗辯，但於對被保險人的訴訟中被保險人能主張是項抗辯者，不在此限。
- (3)為第 1 項目的，如某裁判或裁定或判斷業已終結，既使其有上訴或得上訴之權利，該訴訟均不再認定處於繫屬中。
- (4)當業已確定被保險人之人依本法向保險人提起訴訟者，本法不應解為具有以下意義：
- (a)為英格蘭及威爾斯訴訟時效之目的，該人得向保險人為請求之訴因之產生並非該人確定被保險人責任之時，
- (b)為蘇格蘭消滅時效法之目的，有關應強制提起該訴訟義務並非該期間，或
- (c)為北愛爾蘭訴訟時效法之目的，該人得向保險人為請求之訴因之產生

<sup>φ</sup>“disclosure”乙詞，本譯文或譯為“告知”，或譯為“揭露”，二者同義。

<sup>θ</sup>由於英格蘭與蘇格蘭所採法制有不少差異，英格蘭使用 Limitation 代表“訴訟時效”，亦即請求權行使應於法定期間內提起訴訟；而蘇格蘭使用 prescription 乙詞，其性質與我國或大陸法系的“消滅時效”相當。



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.

### 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.”

#### Enforcement of insured's liability

### 14. Effect of transfer on insured's liability

- (1) Where rights in respect of an insured's liability to a third party are transferred under section 1, the third party may enforce that liability against the insured only to the extent (if any) that it exceeds the amount recoverable from the insurer by virtue of the transfer.
- (2) Subsection (3) applies if a transfer of rights under section 1 occurs because the insured person is a relevant person by virtue of—
  - (a) section 4(1)(a) or (e), (2)(b) or (3)(b) or (c),
  - (b) section 6(1)(a), (2)(a), (3)(c) or (4)(a), or
  - (c) section 7(1)(b).
- (3) If the liability is subject to the arrangement, trust deed or compromise by virtue of which the insured is a relevant person, the liability is to be treated as subject to that arrangement, trust deed or compromise only to the extent that the liability exceeds the amount recoverable from the insurer by virtue of the transfer.
- (4) Subsection (5) applies if a transfer of rights under section 1 occurs in respect of a liability which, after the transfer, becomes one that is subject to a composition approved in

並非該人確定被保險人責任之時。

### 第 13 條 英國境內管轄

- (1) 某人(P)於英國境內有居所者，有權依本法對另一居住於另一領域的保險人提起訴訟，P 得於 P 所居住之領域或於保險人所居住的領域(無論保險契約是否約定訴訟程序應於何地提起)提起程序。
- (2) 1982 年民事管轄及裁判法以下規定(有關居所之認定)為第 1 項之目的適用之：
  - (a) 第 41 條第 2、3、5 及 6 項(個人)；
  - (b) 第 42 條第 1、3、4 及 8 項(公司及組織)；
  - (c) 第 45 條第 2 及 3 項(信託)；
  - (d) 第 46 條第 1、3 及 7 項(國家)。
- (3) 於該法附錄五(於英國境內管轄配置通則除外適用之訴訟程序)，最後加上：

“11. 第三人向保險人請求之訴訟程序依 2010 年第三人(向保險人請求權利)法之訴訟程序。”

#### 被保險人責任之執行

### 第 14 條 被保險人責任讓與之效力

- (1) 當有關被保險人對第三人的責任依第 1 條規定為讓與者，第三人得對被保險人主張之責任僅限於因該讓與而超過可從保險人處為請求回復之數額之範圍(如有)。
- (2) 如第 1 項權利讓與係因被保險人因下列規定而成為相關人者，適用第 3 項規定：
  - (a) 第 4 條 1 項 a 款或 e 款、第 2 項 b 款或第 3 項 b 款或 c 款，
  - (b) 第 6 條 1 項 a 款、第 2 項 a 款或第 3 項 c 款或第 4 項 c 款，或
  - (c) 第 7 條 1 項 b 款。
- (3) 如該責任係因被保險人為相關人而依據某債務協商安排、信託契據或和解而來，該責任僅適用於該債務協商安排、信託契據或和解中之責任超過保險人因該讓與有權請求之額度範圍。
- (4) 如第 1 項權利讓與係讓與後依 1985 年破產(蘇格蘭)法附錄四所認可之和解



accordance with Schedule 4 to the Bankruptcy (Scotland) Act 1985.

- (5) The liability is to be treated as subject to the composition only to the extent that the liability exceeds the amount recoverable from the insurer by virtue of the transfer.
- (6) For the purposes of this section the amount recoverable from the insurer does not include any amount that the third party is unable to recover as a result of—
  - (a) a shortage of assets on the insurer's part, in a case where the insurer is a relevant person, or
  - (b) a limit set by the contract of insurance on the fund available to meet claims in respect of a particular description of liability of the insured.
- (7) Where a third party is eligible to make a claim in respect of the insurer's liability under or by virtue of rules made under Part 15 of the Financial Services and Markets Act 2000 (the Financial Services Compensation Scheme)—
  - (a) subsection (6)(a) applies only if the third party has made such a claim, and
  - (b) the third party is to be treated as being able to recover from the insurer any amount paid to, or due to, the third party as a result of the claim.

### Application of Act

#### 15. Reinsurance

This Act does not apply to a case where the liability referred to in section 1(1) is itself a liability incurred by an insurer under a contract of insurance.

#### 16. Voluntarily-incurred liabilities

It is irrelevant for the purposes of section 1 whether or not the liability of the insured is or was incurred voluntarily.

#### 17. Avoidance

- (1) A contract of insurance to which this section applies is of no effect in so far as it purports, whether directly or indirectly, to avoid or terminate the contract or alter the rights of the parties under it in the event of the insured—
  - (a) becoming a relevant person, or
  - (b) dying insolvent (within the meaning given by section 5(2)).
- (2) A contract of insurance is one to which this section applies if the insured's rights under it are capable of being transferred under section 1.

#### 18. Cases with a foreign element

所產生之責任，則適用第 5 項規定。

- (5) 該責任基於和解者，僅限於該責任超過保險人因該讓與可得請求回復之數額範圍。
- (6) 為本條規範之目的，保險人可得請求回復之數額不包括第三人因以下原因無法請求回復之任何數額：
  - (a) 於保險為相關人時，因保險人方面之資產短缺，或
  - (b) 就有關被保險人責任類型，保險契約就該求償規定有可適用之責任限額。
- (7) 於第三人有權依 2000 年財務服務及市場法(財務服務賠償機制)第十五部分所規定對保險人之責任之規則而為提出求償時：
  - (a) 第 6 項 a 款僅適用於該第三人已提出是項求償，且
  - (b) 該第三人被認定為能向保險人請求回復因該求償而已支付或應支付給該第三人。

### 法律適用

#### 第 15 條 再保險

本法不適用於第 1 條 1 項所述之責任本身為某保險人依保險契約所承擔之責任。

#### 第 16 條 自願發生之責任

為第 1 條之目的，被保險人之責任無論是否為或已為自願發生，均不具關連。

#### 第 17 條 無效

- (1) 本條規定所適用之保險契約，就該契約意圖(無論直接或間接)使契約無效或終止或變更該契約下相關人等於被保險人發生以下情況時之權利，就其範圍均屬無效：
  - (a) 成為相關人，或
  - (b) 死後無力償債(依第 5 條 2 項所規定之定義)。
- (2) 如被保險人依保險契約下之權利得依第 1 條規定為讓與者，即屬本條所適用之保險契約。

#### 第 18 條 具涉外因素之案件



Except as expressly provided, the application of this Act does not depend on whether there is a connection with a part of the United Kingdom; and in particular it does not depend on—

- (a) whether or not the liability (or the alleged liability) of the insured to the third party was incurred in, or under the law of, England and Wales, Scotland or Northern Ireland;
- (b) the place of residence or domicile of any of the parties;
- (c) whether or not the contract of insurance (or a part of it) is governed by the law of England and Wales, Scotland or Northern Ireland;
- (d) the place where sums due under the contract of insurance are payable.

### Supplemental

#### 19. Power to amend Act

- (1) The Secretary of State may by order made by statutory instrument amend section 4, 5 or 6 so as to—
  - (a) substitute a reference to a provision of Northern Ireland legislation with a reference to a different provision of Northern Ireland legislation, or
  - (b) add a reference to a provision of a description within subsection (2).
- (2) A provision is within this subsection if—
  - (a) it is made by or under Northern Ireland legislation, and
  - (b) in the opinion of the Secretary of State, it corresponds with a provision under the law of England and Wales or the law of Scotland that is referred to in the section being amended.
- (3) An order under this section may include consequential, incidental, supplementary, transitional, transitory or saving provision.
- (4) An order under this section may not be made unless a draft of the statutory instrument containing the order has been laid before, and approved by a resolution of, each House of Parliament.

**Note: This section was amended by The Insurance Act 2015 section 19 as below:**

#### 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,

除另有明文規定外，本法適用上無須考量其是否與英國某一部份有關；特別是其無須考量下列事項：

- (a) 被保險人對第三人責任(或被主張之責任)是否依英格蘭及威爾斯、蘇格蘭或北愛爾蘭之法律而發生；
- (b) 當事人任何一人之住所或居所地；
- (c) 保險契約(或其一部)係適用英格蘭及威爾斯、蘇格蘭或北愛爾蘭法律；
- (d) 保險契約應給付款項地。

### 附則

#### 第 19 條 修法權力

- (1) 國務大臣得制訂規則，針對以下是項為第 4 條、第 5 條或第 6 條之修正：
  - (a) 將述及北愛爾蘭立法規定替代為述及北愛爾蘭立法中之不同規定，或
  - (b) 增加第 2 項所述及之相關規定。
- (2) 於下列情況，即屬本項規定：
  - (a) 其係為北愛爾蘭立法所制訂或所規範，且
  - (b) 國務大臣認為，當其依本項規定為修正時，其與英格蘭及威爾斯的法律或蘇格蘭法律之規定保持一致。
- (3) 依本條所為的命令得包括重大、偶發、附帶、過渡、暫時或保留之規定。
- (4) 本條所規定之規則，除內含該規則之法定文書草案業經國會頒佈或決議批准，否則不得制訂。

**註：本條規定經 2015 年保險法第 19 條修正如下：**

#### 第19條 變更“相關人”意義之權力

- (1) 國務大臣得制訂規則，於適用第2項規定之情況下，增加或移除為本法目的之“關係人”之人之情況。
- (2) 本條規則僅於下列情況增加之情況下，依國務大臣的決定，得增加情況：
  - (a) 涉及法人團體或非公司法人之實際或預期解散，



- (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.
- (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,
- (b) 涉及個人、法人團體或非公司法人之實際或預期破產或其他財務困難，或
- (c) 第4條至第7條所現時規定之類似狀況。
- (3) 依本條所制訂的規則可針對下列事項為規定：
- (a) 依該規則所增加或移除之情況(稱“受影響情況”)，而依第1條規定所為權利讓與之人及其範圍，
- (b) 於受影響情況有所變動時，依第1條為權利讓與之再移轉人，且
- (c) 依第1條權利讓與之效力屬被保險人於受影響情況下之責任。
- (4) 涉及法人團體或非公司法人之實際或預期解散，而依本條所制訂增加或移除情況之規則，得變更下列所適用之規定，以使其能納入或排除法人解散類型或任何其他解散之類型：
- (a) 第9條第3項(權利讓與時無要求被保險人應提供資料或協助給保險人作為條件)，及
- (b) 附錄一第3條(要求告知之通知)。
- (5) 依本條所制訂增加情況之規則，得規定於該規則生效日期以前所發生涉及下列情況之一或二之案件，得適用本法第1條之規定：
- (a) 有關該人所發生之情況；
- (b) 承保某人於某保險契約下所發生之責任。
- (6) 依本條所制訂之規則，如係
- (a) 增加情況，及
- (b) 規定本法第1條可適用於該規則生效日期以前所發生涉及某人均發生第5項a款及b款事件之情況時，
- 則該規則必須規定，於該情況，為本法之目的，於該規則所指定之日期或更後日期以前，該人不應被認為關係人。
- (7) 依本條所制訂移除某情況之規則，得規定該規則生效日期以前所發生涉及某人發生第5項a款及b款事件(無須二者一併發生)之情況時，本法第1條規定不適用之。
- (8) 依本條所制訂之規則，得規定：
- (a) 包括重大、偶發、附帶、過渡、暫時或保留之規定，
- (b) 為不同目的為不同規定，及
- (c) 以法令修訂、擴張或暫時適用(且



*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."*

## 20. Amendments, transitionals, repeals, etc

- (1) Schedule 2 (amendments) has effect.
- (2) Schedule 3 (transitory, transitional and saving provisions) has effect.
- (3) Schedule 4 (repeals and revocations) has effect.

## 21. Short title, commencement and extent

- (1) This Act may be cited as the Third Parties (Rights against Insurers) Act 2010.
- (2) This Act comes into force on such day as the Secretary of State may by order made by statutory instrument appoint.
- (3) This Act extends to England and Wales, Scotland and Northern Ireland, subject as follows.
- (4) Section 2 and paragraphs 3 and 4 of Schedule 1 do not extend to Scotland.
- (5) Section 3 extends to Scotland only.

第3項至第7項不應損及本項規定之一般性)為規定。

- (9) 本條所規定之規則得經由立法方式，無論係以通過或制訂方式，包括透過本法。
- (10) 本條所規定之規則應以法定文書方式為之。
- (11) 本條所規定之規則，除內含該規則之法定文書草案業經國會頒佈或決議批准，否則不得制訂。

## 第 20 條 修正、過渡、廢止等

- (1) 附錄二(修正)生效適用。
- (2) 附錄三(暫時、過渡及保留條款)生效適用。
- (3) 附錄四(廢止及廢除)生效。

## 第 21 條 簡稱、施行日及適用範圍

- (1) 本法得稱之為"2010 年第三人(向保險人請求權利)法"。
- (2) 本法於國務院經由國務文書所指定之日期開始生效實施。
- (3) 本法於適用下列情況外，擴大實施於英格蘭及威爾斯、蘇格蘭及北愛爾蘭。
- (4) 第 2 條及附錄一第 3 及 4 點不擴大適用於蘇格蘭。
- (5) 第 3 條僅擴大適用於蘇格蘭。

## SCHEDULE 1

### INFORMATION AND DISCLOSURE FOR THIRD PARTIES

#### Notices requesting information

- 1
- (1) If a person (A) reasonably believes that—
- (a) another person (B) has incurred a liability to A, and
- (b) B is a relevant person,
- A may, by notice in writing, request from B such information falling within sub-paragraph (3) as the notice specifies.

## 附錄一

### 給第三人之資料及告知

#### 索取資料之通知

- 1.
- (1) 如某人 A 合理相信：
- (a) 另一人 B 已對 A 產生責任，且
- (b) B 為關係人，
- 則 A 得以書面通知，特別要求 B 提供第 3 點所規定之資料。



- (2) If a person (A) reasonably believes that—
- (a) a liability has been incurred to A,
  - (b) the person who incurred the liability is insured against it under a contract of insurance,
  - (c) rights of that person under the contract have been transferred to A under section 1, and
  - (d) there is a person (C) who is able to provide information falling within sub-paragraph (3),
- A may, by notice in writing, request from C such information falling within that sub-paragraph as the notice specifies.
- (3) The following is the information that falls within this sub-paragraph—
- (a) whether there is a contract of insurance that covers the supposed liability or might reasonably be regarded as covering it;
  - (b) if there is such a contract—
    - (i) who the insurer is;
    - (ii) what the terms of the contract are;
    - (iii) whether the insured has been informed that the insurer has claimed not to be liable under the contract in respect of the supposed liability;
    - (iv) whether there are or have been any proceedings between the insurer and the insured in respect of the supposed liability and, if so, relevant details of those proceedings;
    - (v) in a case where the contract sets a limit on the fund available to meet claims in respect of the supposed liability and other liabilities, how much of it (if any) has been paid out in respect of other liabilities;
    - (vi) whether there is a fixed charge to which any sums paid out under the contract in respect of the supposed liability would be subject.
- (4) For the purpose of sub-paragraph (3)(b)(iv), relevant details of proceedings are—
- (a) in the case of court proceedings—
    - (i) the name of the court;
    - (ii) the case number;
    - (iii) the contents of all documents served in the proceedings in accordance with rules of court or orders made in the proceedings, and the contents of any such orders;
  - (b) in the case of arbitral proceedings or, in Scotland, an arbitration—
    - (i) the name of the arbitrator;
    - (ii) information corresponding with that mentioned in paragraph (a)(iii).
- (5) In sub-paragraph (3)(b)(vi), in its application to Scotland, “fixed charge” means a fixed security within the meaning given by section 47(1) of the Bankruptcy and Diligence etc (Scotland) Act 2007 (asp 3).
- (6) A notice given by a person under this paragraph must include particulars of the facts on which that person relies as entitlement to give the notice.
- (2)如某人 A 合理相信：
- (a)已對 A 產生責任，
  - (b)發生責任之人依某保險契約已獲承保，
  - (c)該人於該保險契約之權利已依第 1 條讓與給 A，且
  - (d)有某人 C 能提供第 3 點所載資料，
- 則 A 得以書面通知，特別要求 C 提供第 3 點所規定之資料。
- (3)下列為本項所指之資料：
- (a)不論保險契約是否承保該假定責任或可能合理被認為承保該責任；
  - (b)如有該契約時：
    - (i)保險人為誰；
    - (ii)契約條款為何；
    - (iii)保險人已就該假定責任主張依約無須負責之聲明，無論是否已經通知被保險人；
    - (iv)就有關該假定責任，無論保險人及被保險人是否正或曾進行任何訴訟，且如有，這些訴訟程序之相關細節；
    - (v)如契約就有關假定責任及其他責任之保險求償設定有某一額度之限額，該限額中已針對其他責任部分支付多少額度(如有)；
    - (vi)就該假定責任所歸屬之保險契約，是否已依約為支付任何款項而為某一固定擔保。
- (4)為第 3 項 b 款 iv 目之目的，相關訴訟程序細節係指：
- (a)如為法院訴訟程序：
    - (i)法院名稱；
    - (ii)案號；
    - (iii)於訴訟程序中依據法院規則或命令於該程序中提交給法院的所有文件內容，以及任何該命令之內容；
  - (b)如於仲裁程序中，或於蘇格蘭之仲裁：
    - (i)仲裁人之姓名；
    - (ii)與前述 a 款 iii 目相應之資料。
- (5)於第 3 項 b 款 vi 目，該目於蘇格蘭適用時，“固定擔保”係指依 2007 年破產及謹慎等(蘇格蘭)法第 47 條 1 項所定義之固定保證。
- (6)某人依本條規定所發出之通知需包括該人何以有權為是項通知之事實詳情。



## Provision of information where notice given under paragraph 1

2

- (1) A person (R) who receives a notice under paragraph 1 must, within the period of 28 days beginning with the day of receipt of the notice—
  - (a) provide to the person who gave the notice any information specified in it that R is able to provide;
  - (b) in relation to any such information that R is not able to provide, notify that person why R is not able to provide it.
- (2) Where—
  - (a) a person (R) receives a notice under paragraph 1,
  - (b) there is information specified in the notice that R is not able to provide because it is contained in a document that is not in R's control,
  - (c) the document was at one time in R's control, and
  - (d) R knows or believes that it is now in another person's control,R must, within the period of 28 days beginning with the day of receipt of the notice, provide the person who gave the notice with whatever particulars R can as to the nature of the information and the identity of that other person.
- (3) If R fails to comply with a duty imposed on R by this paragraph, the person who gave R the notice may apply to court for an order requiring R to comply with the duty.
- (4) No duty arises by virtue of this paragraph in respect of information as to which a claim to legal professional privilege or, in Scotland, to confidentiality as between client and professional legal adviser could be maintained in legal proceedings.

## Notices requiring disclosure: defunct bodies

3

- (1) If—
  - (a) a person (P) has started proceedings under this Act against an insurer in respect of a liability that P claims has been incurred to P by a body corporate, and
  - (b) the body is defunct,P may by notice in writing require a person to whom sub-paragraph (2) applies to disclose to P any documents that are relevant to that liability.
- (2) This sub-paragraph applies to a person if—
  - (a) immediately before the time of the alleged transfer under section 1, that person was an officer or employee of the body, or
  - (b) immediately before the body became defunct, that person was—
    - (i) acting as an insolvency practitioner in relation to

## 依第 1 條規定為通知時之資料提供

### 第 2 條

- (1) 接獲第 1 條所為通知之人(R)，必須於接獲該通知起算 28 日內：
  - (a) 將 R 能夠提供的任何特別指定的資料，提供給出具通知之人；
  - (b) 對於 R 無法提供之任何資料，將 R 無法提供之訊息通知該人。
- (2) 於下列情況時：
  - (a) R 接獲第 1 條之通知，
  - (b) 就該通知所特別指定的資料，因該資料內含於不在 R 可以控制的文件中，所以 R 無法提供，
  - (c) 該文件曾一度在 R 的控制中，且
  - (d) R 知曉或相信該資料在另一人的控制中，R 必須於接獲通知起算的 28 日內，將該資料的性質及該另一人之身份等訊息，提供給出具通知之人
- (3) 如 R 未能遵守本條課以 R 之是項義務，出具通知給 R 之人得向法院申請命令 R 履行是項義務。
- (4) 本條義務不包括是項資料係對具法律專業特權，或於蘇格蘭，基於當事人及專業法律律師間於任何法律程序中應遵守之保密性等所提出之主張。

## 要求告知之通知：法人消滅

### 第 3 條

- (1) 如：
  - (a) 某人(P)依本法就有關某法人團體業已發生對 P 之責任而對某保險人開始訴訟程序，且
  - (b) 該法人業已滅滅，P 得以書面通知方式要求第 2 項之人就與該責任有關之任何文件對 P 為揭露。
- (2) 本項規定僅適用下列情況之人：
  - (a) 於依第 1 條為讓與主張之前，該人為該法人之主管或受雇人，或
  - (b) 於該法人為消滅之前，該人：
    - (i) 係為有關該法人之債務清理執行





the body (within the meaning given by section 388(1) of the Insolvency Act 1986 or Article 3 of the Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 N.I. 19)), or

- (ii) acting as the official receiver in relation to the winding up of the body.
- (3) A notice under this paragraph must be accompanied by—
- (a) a copy of the particulars of claim required to be served in connection with the proceedings mentioned in sub-paragraph (1), or
- (b) where those proceedings are arbitral proceedings, the particulars of claim that would be required to be so served if they were court proceedings.
- (4) For the purposes of this paragraph a body corporate is defunct if, subject to sub-paragraph (5), it has been dissolved under—
- (a) Chapter 9 of Part 4 of the Insolvency Act 1986,
- (b) Chapter 9 of Part 5 of the Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 N.I. 19)), or
- (c) section 1000, 1001 or 1003 of the Companies Act 2006.
- (5) But a body corporate is not defunct for the purposes of this paragraph if the body has been—
- (a) restored to the register by virtue of section 1025 of the Companies Act 2006, or
- (b) ordered to be restored to the register by virtue of section 1031 of that Act.

### Disclosure and inspection where notice given under paragraph 3

#### 4.

- (1) Subject to the provisions of this paragraph and to any necessary modifications—
- (a) the duties of disclosure of a person who receives a notice under paragraph 3, and
- (b) the rights of inspection of the person giving the notice, are the same as the corresponding duties and rights under Civil Procedure Rules of parties to court proceedings in which an order for standard disclosure has been made.
- (2) In sub-paragraph (1), in its application to Northern Ireland—
- (a) the reference to Civil Procedure Rules is—
- (i) in the case of proceedings in the High Court, to be read as a reference to the Rules of the Court of Judicature (Northern Ireland) 1980 (S.R. 1980 No. 346), and
- (ii) in the case of proceedings in the county court, to be read as a reference to the County Court Rules (Northern Ireland) 1981 (S.R. 1981 No. 225), and

人(符合 1986 年債務清理法第 388 條第 1 項或 1989 年債務清理(北愛爾蘭)法(法律編號 S.I. 1989/2405 N.I.19)第 3 條意義),

或  
(ii)係為有關該法人清算之破產法定接管人。

- (3) 以下是項必須與本條之通知一併為之：
- (a) 與第 1 項所述訴訟程序有關所需提供之求償細節影本，或
- (b) 如該程序係為仲裁程序，該求償細節與其如為法院程序所應提供一樣。
- (4) 為本項目的，法人團體於適用第 5 項情況下，如依下列規定為解散者，應被認為已消滅：
- (a) 依 1986 年債務清理法第四部分第九章，
- (b) 依 1989 年債務清理(北愛爾蘭)法(法律編號 S.I. 1989/2405 N.I.19)第五部分第九章，或
- (c) 依 2006 年公司法第 1000 條、第 1001 條及第 1003 條。
- (5) 但為本條目的，某法人團體有下列情況時，不應被認為消滅：
- (a) 依 2006 年公司法第 1025 條為回復登記，或
- (b) 依該法第 1031 條被令回復登記。

### 依第 3 條為通知時之告知及檢視

#### 第 4 條

- (1) 於適用本條但書及任何必要修正的情況下：
- (a) 某人收到依第 3 條的通知時之告知義務，且
- (b) 給予通知之人之檢視權利，具有與民事訴訟程序規則下法院訴訟程序之當事人有權提出的標準揭露命令的同樣義務及權利。
- (2) 第 1 項於北愛爾蘭適用時：
- (a) 述及民事訴訟程序規則為：
- (i) 如為高等法院訴訟程序，應讀為述及 1980 年司法院(北愛爾蘭)規則(法律編號 S.R. 1980 N0.346)，及
- (ii) 如為地方法院訴訟程序，應讀為述及 1981 年地方法院(北愛爾蘭)規則(法律編號 S.R. 1981 N0.225)，及



- (b) the reference to an order for standard disclosure is to be read as a reference to an order for discovery.
- (3) A person who by virtue of sub-paragraph (1) or (2) has to serve a list of documents must do so within the period of 28 days beginning with the day of receipt of the notice.
- (4) A person who has received a notice under paragraph 3 and has served a list of documents in response to it is not under a duty of disclosure by reason of that notice in relation to documents that the person did not have when the list was served.

## Avoidance

### 5

A contract of insurance is of no effect in so far as it purports, whether directly or indirectly—

- (a) to avoid or terminate the contract or alter the rights of the parties under it in the event of a person providing information, or giving disclosure, that the person is required to provide or give by virtue of a notice under paragraph 1 or 3, or
- (b) otherwise to prohibit, prevent or restrict a person from providing such information or giving such disclosure.

## Other rights to information etc

### 6

Rights to information, or to inspection of documents, that a person has by virtue of paragraph 1 or 3 are in addition to any such rights as the person has apart from that paragraph.

## Interpretation

### 7

For the purposes of this Schedule—

- (a) a person is able to provide information only if—
- (i) that person can obtain it without undue difficulty from a document that is in that person's control, or
- (ii) where that person is an individual, the information is within that person's knowledge;
- (b) a document is in a person's control if it is in that person's possession or if that person has a right to possession of it or to inspect or take copies of it.

(b) 述及標準揭露命令應讀為述及證據揭露命令。

- (3) 第 1 項及第 2 項有義務提供表列文件之人必須於接獲通知起算 28 日內為提供。
- (4) 已收到第 3 項通知且已提供相應的表列文件之人，於該文件通知時，該人於通知送達並未擁有該文件，即不具揭露之義務。

## 無效

### 第 5 條

保險契約就其意圖，無論是直接或間接，具以下情況者，不具效力：

- (a) 如某人依據第 1 條或第 3 條之通知而要求該人應提供或出具，而該人必須提供資料或為揭露時，以契約無效或終止或變更該人於契約下之權利，或
- (b) 另外限制、防止或侷限某人提供該資料或提供該揭露。

## 有關資料等的其他權利

### 第 6 條

某人基於第 1 條或第 3 條有關資料或文件檢視之權利，應額外包括該人除該條以外之任何是項權利。

## 解釋

### 第 7 條

為本附錄之目的：

- (a) 能夠提供資料之人僅限於：
- (i) 該人能毫無困難自該人所自己控管的文件為取得，或
- (ii) 如該人為個人，該資料為該人所知曉；
- (b) 某文件為某人所持有或如該人有權持有或為檢視或取得副本者，即為某人所控管。

## SCHEDULE 2 AMENDMENTS

## 附錄二 修正

Road Traffic (Northern Ireland) Order 1981 (S.I.

1981 年道路交通(北愛爾蘭)規則



### 1981/154 (N.I. 1)

1. In Article 100 of the Road Traffic (Northern Ireland) Order 1981 (bankruptcy etc of insured persons not to affect certain claims by third-parties)—
  - (a) for “such event as is mentioned in section 1(1) of the Third Parties (Rights against Insurers) Act (Northern Ireland) 1930” substitute “ event which results in that person being a relevant person for the purposes of the Third Parties (Rights against Insurers) Act 2010”, and
  - (b) for “the said Act of 1930” substitute “ that Act”.

### Road Traffic Act 1988 (c. 52)

2. In section 153 of the Road Traffic Act 1988 (bankruptcy etc of insured or secured persons not to affect claims by third parties)—
  - (a) in subsection (1), for “any of the events mentioned in subsection (2) below” substitute “ an event which results in that person being a relevant person for the purposes of the Third Parties (Rights against Insurers) Act 2010”,
  - (b) in that subsection, for “Third Parties (Rights against Insurers) Act 1930” substitute “ that Act”,
  - (c) omit subsection (2), and
  - (d) in subsection (3), for “Third Parties (Rights against Insurers) Act 1930” substitute “ Third Parties (Rights against Insurers) Act 2010”.

### Merchant Shipping Act 1995 (c. 21)

3. In section 165 of the Merchant Shipping Act 1995 (rights of third parties against insurers), in subsection (5), for “Third Parties (Rights against Insurers) Act 1930 and the Third Parties (Rights against Insurers) Act (Northern Ireland) 1930” substitute “Third Parties (Rights against Insurers) Act 2010”.

### Cross-Border Insolvency Regulations 2006 (S.I. 2006/1030)

4. In paragraph 5 of Schedule 1 to the Cross-Border Insolvency Regulations 2006 (scope of Article 1), for “Third Parties (Rights against Insurers) Act 1930” substitute “Third Parties (Rights against Insurers) Act 2010”.

### Cross-Border Insolvency Regulations (Northern Ireland) 2007 (S.R. 2007/115)

5. In paragraph 5 of Schedule 1 to the Cross-Border Insolvency Regulations (Northern Ireland) 2007 (scope of Article 1), for “Third Parties (Rights against Insurers) Act (Northern Ireland) 1930” substitute “Third Parties (Rights against Insurers) Act 2010”.

1. 於 1981 年道路交通(北愛爾蘭)規則第 100 條(於被保險人等破產不影響第三人某些求償)
  - (a) ”為 2010 年第三人向保險人權利法之目的造成某人成為關係人之事件”取代”1930 年第三人向保險人權利法(北愛爾蘭)第 1 條 1 項所稱之事件”，且
  - (b) “該法”取代”該 1930 年法”。

### 1988 年道路交通法

2. 於 1988 年道路交通法第 153 條(被保險人或受保全之人破產等不影響第三人求償):
  - (a) 於第 1 項, ”為 2010 年第三人向保險人權利法之目的造成某人成為關係人之事件”取代”下列第 2 項所稱之任何事件”,
  - (b) 於該項, “該法”取代”該 1930 年法”,
  - (c) 忽略第 2 項, 及
  - (d) 於第 3 項, ”2010 年第三人向保險人請求權利法”取代”1930 年第三人向保險人請求權利法”。

### 1995 年商船法

3. 於 1995 年商船法(第三人向保險人請求權利法)第 165 條, 於其第 5 項, ”2010 年第三人向保險人請求權利法”取代”1930 年第三人向保險人請求權利法(北愛爾蘭)”。

### 2006 年跨國破產規則

4. 於 2006 年跨國破產規則附錄一第 5 點, ”2010 年第三人向保險人請求權利法”取代”1930 年第三人向保險人請求權利法”。

### 2007 年跨國破產規則(北愛爾蘭)

5. 於 2007 年跨國破產規則(北愛爾蘭)附錄一第 5 點, ”2010 年第三人向保險人請求權利法”取代”1930 年第三人向保險人請求權利法(北愛爾蘭)”。

## SCHEDULE 3

### TRANSITORY, TRANSITIONAL AND SAVING PROVISIONS

1.
  - (1) Section 1(1)(a) applies where the insured became a

## 附錄三 暫時、過渡及保留條款

- 1.



- relevant person before, as well as when the insured becomes such a person on or after, commencement day.
- (2) Section 1(1)(b) applies where the liability was incurred before, as well as where it is incurred on or after, commencement day.
2. Until the coming into force of section 47(1) of the Bankruptcy and Diligence etc (Scotland) Act 2007 (asp 3), the reference to that provision in paragraph 1(5) of Schedule 1 is to be read as a reference to section 486(1) of the Companies Act 1985.
  3. Despite its repeal by this Act, the Third Parties (Rights against Insurers) Act 1930 continues to apply in relation to—
    - (a) cases where the event referred to in subsection (1) of section 1 of that Act and the incurring of the liability referred to in that subsection both happened before commencement day;
    - (b) cases where the death of the deceased person referred to in subsection (2) of that section happened before that day.
  4. Despite its repeal by this Act, the Third Parties (Rights against Insurers) Act (Northern Ireland) 1930 continues to apply in relation to—
    - (a) cases where the event referred to in subsection (1) of section 1 of that Act and the incurring of the liability referred to in that subsection both happened before commencement day;
    - (b) cases where the death of the deceased person referred to in subsection (2) of that section happened before that day.
  5. In this Schedule “commencement day” means the day on which this Act comes into force.
- (1) 第 1 項 1 款 a 目適用於被保險人於生效日前成為相關人，以及被保險人於生效日後成為該人之情況。
  - (2) 第 1 項 1 款 b 目適用於責任於生效日前業已發生或生效日後發生之情況。
  2. 於 2007 年破產及謹慎等(蘇格蘭)法第 47 條第 1 項生效實施前，述及附錄一第 1 條第 5 項規定應讀為述及 1985 年公司法第 486 條第 1 項。
  3. 除本法予以廢止外，1930 年第三人(向保險人請求權利)法於下列情況繼續適用之：
    - (a) 本法第 1 條第 1 項所述情況及有關該項所述責任之發生，兩者均發生於生效日之前；
    - (b) 該條第 2 項所述死者死亡情事發生於該日之前。
  4. 除本法予以廢止外，1930 年第三人(向保險人請求權利)法(北愛爾蘭)於下列情況繼續適用之：
    - (a) 本法第 1 條第 1 項所述情況及有關該項所述責任之發生，兩者均發生於生效日之前；
    - (b) 該條第 2 項所述死者死亡情事發生於該日之前。
  5. 於本附錄，“生效日”係指本法生效實施之日。

#### SCHEDULE 4 REPEALS AND REVOCATIONS

#### 附錄四 廢止及廢除

| Title   | Extent of repeal or revocation                                 | 法律標題                               | 廢止或廢除範圍      |
|---|--|------------------------------------|--------------|
| Third Parties (Rights Against Insurers) Act (Northern Ireland) 1930 (c. 19) | The whole Act.   | 1930 年第三人(向保險人請求權利)法(北愛爾蘭)(第 19 章) | 全部           |
| Third Parties (Rights against Insurers) Act 1930 (c. 25)                    | The whole Act.   | 1930 年第三人(向保險人請求權利)法(第 25 章)       | 全部           |
| Insolvency Act 1985 (c. 65)   | In Schedule 8, paragraph 7 and the cross heading preceding it. | 1985 年債務清理法(第 65 章)                | 附錄八第 7 條及其標題 |
| Bankruptcy (Scotland) Act 1985 (c. 66)                                      | In Schedule 7, paragraph 6 and the cross heading preceding it. | 1985 年破產(蘇格蘭)法(第 66 章)             | 附錄七第 6 條及其標題 |
| Insolvency Act 1986 (c. 45)   | In Schedule 14, the entries relating to                        | 1986 年債務清理法(第                      | 附錄十四，整個有     |



|   |  |   |                           |
|---|--|---|---------------------------|
|   | the Third Parties (Rights against Insurers) Act 1930.                            | 45 章)                                       | 關 1930 年第三人 (向保險人請求權利)法記載 |
| Road Traffic Act 1988 (c. 52)   | Section 153(2).  | 1988 年道路運輸法(第 52 章)                         | 第 153 條 2 項               |
| Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N.I. 19))                   | In Schedule 9, paragraphs 63 to 65 and the cross heading preceding paragraph 63. | 1989 年債務清理(北愛爾蘭)法(S.I. 1989/2405 (N.I.19))  | 附錄九第 63 至 65 條及第 63 條標題   |
| Limited Liability Partnerships Regulations 2001 (S.I. 2001/1090)                      | In Schedule 5, paragraph 2 and the cross heading preceding it.                   | 2001 年有限責任合夥規則(S.I. 2001/1090)              | 附錄五第 2 條及其標題              |
| Enterprise Act 2002 (Insolvency) Order 2003 (S.I. 2003/2096)                          | In the Schedule, paragraphs 1 to 3 and the cross heading preceding paragraph 1.  | 2002 年企業法之 2003 年(債務清理)法(S.I. 2003/2096)    | 其附錄七第 1 至 3 條及第 1 條之標題    |
| Limited Liability Partnership Regulations (Northern Ireland) 2004 (S.R. 2004 No. 307) | In Schedule 4, paragraph 2 and the cross heading preceding it.                   | 2004 年有限責任合夥(北愛爾蘭)規則(S.R. 2004 No. 307)     | 附錄四第 2 條及其標題              |
| Insolvency (Northern Ireland) Order 2005 (S.I. 2005/1455 (N.I. 10))                   | In Schedule 2, paragraphs 2 to 4 and the cross heading preceding paragraph 2.    | 2005 年債務清理(北愛爾蘭)法(S.I. 2005/1455 (N.I. 10)) | 附錄二第 2 至 4 條及第 2 條標題      |