

THIS SUPPLEMENTARY AGREEMENT ("this Agreement") is made the 15th day of January 2009 between the **DEPARTMENT OF THE ENVIRONMENT ("THE DEPARTMENT")** and the **MOTOR INSURERS' BUREAU ("MIB")** whose registered office is Linford Wood House, 6 - 12 Capital Drive, Linford Wood, Milton Keynes MK14 6XT

IT IS HEREBY AGREED AS FOLLOWS:

1. This Agreement is supplementary to the Untraced Drivers' Agreement made between the Department and MIB dated 1st June 2004 ("the 2004 Agreement").
2. This Agreement shall come into force on the 1st day of February 2009 and applies to accidents occurring after midnight on that date onwards and from that time onwards the 2004 Agreement shall continue to apply in all respects save as provided for by the amendments set out in paragraph 4 below.
3. The Interpretation Act (Northern Ireland) 1954 shall apply for the interpretation of this Agreement as it applies for the interpretation of an Act of Parliament.
4. The 2004 Agreement shall be amended in the following respects:-
 - (a) In Clause 4(3)(a), for "except in a case to which sub-paragraph (b) applies, the application must have been made not later than-" substitute "the application must have been made within"-;
 - (b) Clause 4(3)(a)(i) is replaced with the following wording:-

"(i) subject to paragraph (a)(ii), the time limits provided for the victims of traced drivers bringing actions in tort by the Limitation (Northern Ireland)

Order 1989 in the case of a claim for compensation for death or bodily injury (whether or not damage to property has also arisen from the same event); but”;


(c) Clause 4(3)(b) is omitted, so that the existing Clauses 4(3)(c), 4(3)(d) and 4(3)(e) become (b), (c) and (d) respectively.

(d) A new Clause 23(1)(f) is added with the following wording:-


“(f) determine, in like manner as a court, whether it would be equitable to allow the case to proceed having regard to the circumstances envisaged by Article 50 of the Limitation (Northern Ireland) Order 1989;”.

IN WITNESS thereof the Department of the Environment has caused its official seal to be hereunto affixed and the Motor Insurers' Bureau has caused its Common Seal to be hereunto affixed the day and year first written above.

THE OFFICIAL SEAL of the DEPARTMENT OF THE ENVIRONMENT hereunto affixed is authenticated by: -


.....
A senior officer of the Department of the Environment

THE COMMON SEAL of the MOTOR INSURERS' BUREAU was hereunto affixed in the presence of: -


.....
Directors of the Board of Management


.....
Secretary