

THIS SUPPLEMENTARY AGREEMENT (“this Agreement”) is made the 30th day of December 2008 between the **SECRETARY OF STATE FOR TRANSPORT (“THE SECRETARY OF STATE”)** 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 Secretary of State and MIB dated 7th February 2003 ("the 2003 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 2003 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 1978 shall apply for the interpretation of this Agreement as it applies for the interpretation of an Act of Parliament.

4. The 2003 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 Act 1980 (with regard to England and Wales) or the Prescription and Limitation (Scotland) Act 1973 (with regard to Scotland) 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 section 33 of the Limitation Act 1980 (with regard to England and Wales) or section 19A of the Prescription and Limitation (Scotland) Act 1973 (with regard to Scotland);".

In witness thereof the Secretary of State has caused his Corporate 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

SEAL REF No.

DFT/2838

THE CORPORATE SEAL of THE SECRETARY OF STATE FOR TRANSPORT hereunto authenticated by:



Authorised by the Secretary of State

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



Directors of the Board of Management



Secretary