



# Insurance Companies Act 1982 (repealed)

## 1982 CHAPTER 50

### PART I

#### RESTRICTION ON CARRYING ON INSURANCE BUSINESS

##### *Withdrawal of authorisation*

#### **[<sup>F1</sup>12A Suspension of authorisation in urgent cases.**

- (1) Where, in the case of a UK or non-EC company, it appears to the [<sup>F2</sup>Treasury]—
  - (a) that one of the grounds in section 11(2) above exists in relation to the company: and
  - (b) that the authorisation should be suspended as a matter of urgency,the [<sup>F2</sup>Treasury] may direct that the company shall forthwith cease to be authorised to effect contracts of insurance, or contracts of any description specified in the direction.
- (2) A direction under this section—
  - (a) shall not prevent a company from effecting a contract of insurance in pursuance of a term of a subsisting contract of insurance; and
  - (b) unless confirmed by the [<sup>F2</sup>Treasury] under subsection (6) below, shall cease to have effect at the end of the relevant period.
- (3) Where the [<sup>F2</sup>Treasury] gives a direction under this section, [<sup>F3</sup>they] shall forthwith serve on the company a written notice stating—
  - (a) the ground on which the direction is given; and
  - (b) that the company may, within the period of one month from the date of service of the notice, make written representations to the [<sup>F2</sup>Treasury] and, if the company so requests, oral representations to an officer of the [<sup>F4</sup>Treasury] appointed for the purpose by the [<sup>F2</sup>Treasury].
- (4) Where the [<sup>F2</sup>Treasury] [<sup>F5</sup>give] a direction under this section on the ground set out in section 11(2)(ab) above, the [<sup>F2</sup>Treasury] shall forthwith serve on any person whose fitness is in question a written notice stating—

*Status: Point in time view as at 05/01/1998. This version of this provision has been superseded.*

*Changes to legislation: Insurance Companies Act 1982 (repealed), Section 12A is up to date with all changes known to be in force on or before 23 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (a) the ground for giving the direction; and
  - (b) that the person on whom the notice is served may, within the period of one month from the date of service of the notice, make written representations to the [F<sup>2</sup>Treasury] and, if that person so requests, oral representations to an officer of the [F<sup>4</sup>Treasury] appointed for the purpose by the [F<sup>2</sup>Treasury].
- (5) The [F<sup>2</sup>Treasury] shall consider any representations made in response to a notice under subsection (3) or (4) above before confirming a direction under this section.
- (6) At any time before the end of the relevant period, the [F<sup>2</sup>Treasury] may confirm a direction under this section by a written notice served on the company.
- (7) Where a direction under this section is so confirmed, it may not be revoked or varied; but if the [Treasury] subsequently [F<sup>6</sup>issue] to the company under section 3 above an authorisation to carry on insurance business of a class to which the direction relates, the direction shall cease to have effect in relation to such business.
- (8) In this section 'the relevant period', in relation to a direction under this section, means the period of two months beginning with the date on which the direction is given.]

#### Textual Amendments

- F1 S. 12A inserted (1.7.1994) by S.I. 1994/1696, **reg. 11**
- F2 Words in s. 12A substituted (5.1.1998) by S.I. 1997/2781, art. 8, **Sch. Pt. I para. 9(a)** (with art. 7)
- F3 Word in s. 12A(3) substituted (5.1.1998) by S.I. 1997/2781, art. 8, **Sch. Pt. I para. 9(b)(i)** (with art. 7)
- F4 Words in s. 12A(3)(b)(4)(b) substituted (5.1.1998) by S.I. 1997/2781, art. 8, **Sch. Pt. I para. 9(b)(ii)(c)(ii)** (with art. 7)
- F5 Words in s. 12A(4) substituted (5.1.1998) by S.I. 1997/2781, art. 8, **Sch. Pt. I para. 9(c)(i)** (with art. 7)
- F6 Word in s. 12A(7) substituted (5.1.1998) by S.I. 1997/2781, art. 8, **Sch. Pt. I para. 9(d)** (with art. 7)

#### Modifications etc. (not altering text)

- C1 S. 12A: power to contract out functions conferred (18.11.1998) by S.I. 1998/2842, arts. 2, 3, **Sch. Pt. I para. 10**

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