



# Insurance Brokers (Registration) Act 1977

## 1977 CHAPTER 46

### *Miscellaneous*

#### **25 Accounts of Council**

- (1) The Council shall keep proper accounts of all sums received or paid by them and proper records in relation to those accounts.
- (2) The Council shall appoint auditors to the Council who shall be members of a recognised body of accountants.
- (3) The Council shall cause their accounts to be audited annually by the auditors to the Council and as soon as is practicable after the accounts for any period have been audited the Council shall cause them to be published and shall send a copy of them to the Secretary of State together with a copy of any report of the auditors thereon.

#### **26 Service of documents**

Any notice or other document authorised or required to be given under this Act may, without prejudice to any other method of service but subject to any provision to the contrary in rules under this Act, be served by post; and for the purpose of the application to this section of section 26 of the Interpretation Act 1889 (which relates to service by post) the proper address of a person or body corporate to whose registration or enrolment such a document relates shall be his or its address in the register or list.

#### **27 Rules etc. made by Council**

- (1) Rules made by the Council under sections 8, 11, 12, 13, 14 or 19 of this Act, the statement drawn up by the Council under section 10 of this Act or any revision of that statement made by the Council under that section shall not come into operation until approved by order of the Secretary of State.
- (2) The Secretary of State may approve rules made under section 19 of this Act either as submitted to him or subject to such modifications as he thinks fit; but where the Secretary of State proposes to approve any such rules subject to modifications he shall

notify the modifications to the Council and consider any observations of the Council thereon.

- (3) The Secretary of State may, after consulting the Council, by order vary or revoke any rules made under sections 8, 11 or 12 of this Act or revise the statement under section 10 of this Act.

## **28 Orders**

- (1) The power to make orders under this Act shall be exercisable by statutory instrument; and any order made under this Act may be varied or revoked by a subsequent order so made.
- (2) Any statutory instrument by which that power is exercised, except one containing an order under section 30(3) of this Act or any such order as is mentioned in subsection (3) below, shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) An order under section 3(4) or section 27(3) of this Act, an order under paragraph 2 of the Schedule to this Act approving a scheme subject to modifications or an order under paragraph 10 of that Schedule shall not be made unless a draft of the order has been approved by resolution of each House of Parliament.

## **29 Interpretation**

- (1) In this Act, unless the context otherwise requires—
  - " approved qualification " and " approved educational institution " have the meanings respectively assigned to them by section 6 of this Act;
  - " authorised insurers " means a person permitted under the Insurance Companies Act 1974 or the Insurance Companies (Northern Ireland) Order 1976 to carry on liability insurance business or pecuniary loss insurance business ;
  - " the Council " means the Insurance Brokers Registration Council established pursuant to section 1 of this Act;
  - " the Court " means the High Court or, in relation to Scotland, the Court of Session or, in relation to Northern Ireland, a judge of the High Court of Justice in Northern Ireland;
  - " disciplinary case " has the meaning assigned to it by section 13 of this Act;
  - " employee ", in relation to a body corporate, includes a director of the body corporate and " employed " shall be construed accordingly;
  - " enrolled " means enrolled in the list and " enrolment " shall be construed accordingly;
  - " functions " includes powers and duties ;
  - " insurance business " means insurance business of any class relevant for the purposes of Part I of the Insurance Companies Act 1974, or Part II of the Insurance Companies (Northern Ireland) Order 1976, other than industrial assurance business, and " insurance broker " shall be construed accordingly ;
  - " insurance company " means a person or body of persons (whether incorporated or not) carrying on insurance business;
  - " list " means the list of bodies corporate carrying on business as insurance brokers ;

" practising insurance broker " means a registered insurance broker who is carrying on business as an insurance broker;

" prescribed " means prescribed by rules under this Act;

" recognised body of accountants " means any one of the following, namely—

the Institute of Chartered Accountants in England and Wales;

the Institute of Chartered Accountants of Scotland ;

the Association of Certified Accountants;

the Institute of Chartered Accountants in Ireland;

any other body of accountants established in the United Kingdom and for the time being recognised for the purposes of section 161(1)(a) of the Companies Act 1948 by the Secretary of State;

" register " means the register of insurance brokers and "registered" and "registration" shall be construed accordingly;

" registered insurance broker " means a person who is registered in the register;

" the registrar " means the registrar of the Council appointed under section 8(1) of this Act.

- (2) References in this Act to any other enactment (including an enactment of the Parliament of Northern Ireland and an Order in Council under the Northern Ireland Act 1974) shall be construed as references thereto, as amended, and as including references thereto as extended, by or under any subsequent enactment.

### **30 Short title, extent and commencement**

- (1) This Act may be cited as the Insurance Brokers (Registration) Act 1977.
- (2) This Act extends to Northern Ireland,
- (3) Subject to subsection (4) below, this Act shall come into operation on such date as the Secretary of State may by order appoint and different dates may be appointed for different provisions and for different purposes.
- (4) The day appointed for the coming into operation of section 22 of this Act shall not be earlier than the expiration of a period of two years beginning with the day appointed for the coming into operation of section 1 of this Act.