



Insurance Brokers (Registration) Act 1977

1977 CHAPTER 46

Registration and training of insurance brokers

2 The insurance brokers register

The Council shall establish and maintain a register of insurance brokers (hereinafter referred to as "the register") containing the names, addresses and qualifications, and such other particulars as may be prescribed, of all persons who are entitled under the provisions of this Act to be registered therein and apply in the prescribed manner to be so registered.

3 Qualifications for registration

- (1) Subject to subsection (2) below and to section 16 of this Act, a person shall be entitled to be registered in the register if he satisfies the Council—
- (a) that he holds a qualification approved by the Council under section 6 of this Act, being a qualification granted to him after receiving instruction from an institution so approved ; or
 - (b) that he holds a qualification recognised by the Council for the purposes of this paragraph, being a qualification granted outside the United Kingdom ; or
 - (c) that he has carried on business as an insurance broker, or as a whole-time agent acting for two or more insurance companies in relation to insurance business, for a period of not less than five years ; or
 - (d) that he holds a qualification recognised by the Council for the purposes of this paragraph and has carried on business as mentioned in paragraph (c) above for a period of not less than three years ; or
 - (e) that he has been employed by a person carrying on business as mentioned in paragraph (c) above, or by an insurance company, for a period of not less than five years; or
 - (f) that he holds a qualification recognised by the Council for the purposes of this paragraph and has been employed by a person carrying on business as mentioned in paragraph (c) above, or by an insurance company, for a period of not less than three years; or

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- (g) that he has knowledge and practical experience of insurance business which is comparable to that of a person who has carried on business as an insurance broker for a period of five years ; or
 - (h) that he holds a qualification recognised by the Council for the purposes of this paragraph and has knowledge and practical experience of insurance business which is comparable to that of a person who has carried on business as an insurance broker for a period of three years.
- (2) A person shall not be entitled to be registered in the register by virtue of subsection (1) above unless he also satisfies the Council—
- (a) as to his character and suitability to be a registered insurance broker; and
 - (b) in a case falling within paragraph (a), (b), (e) or (f) of subsection (1) above, that he has had adequate practical experience in the work of an insurance broker; and
 - (c) if he is carrying on business as an insurance broker at the time when the application is made, that he is complying with the requirements of rules under section 11(1) of this Act.
- (3) Subject to section 16 of this Act, a person shall be entitled to be registered in the register if he satisfies the Council that he or a partnership of which he is a member is accepted as a Lloyd's broker by the Committee of Lloyd's.
- (4) The Secretary of State may, after consulting the Council, by order provide that any of the paragraphs in subsection (1) or (2) above shall be omitted or shall have effect subject to such amendments as may be specified in the order.

4 List of bodies corporate carrying on business as insurance brokers

- (1) The Council shall establish and maintain a list of bodies corporate carrying on business as insurance brokers (hereinafter referred to as " the list") containing the names, principal places of business and such other particulars as may be prescribed of all bodies corporate which are entitled under this section to be enrolled therein and apply in the prescribed manner to be so enrolled.
- (2) Subject to subsection (3) below and to section 16 of this Act, a body corporate shall be entitled to be enrolled in the list if it satisfies the Council—
- (a) that a majority of its directors are registered insurance brokers; or
 - (b) in the case of a body corporate having only one director, that he is a registered insurance broker; or
 - (c) in the case of a body corporate having only two directors, that one of them is a registered insurance broker and that the business is carried on under the management of that director.
- (3) A body corporate shall not be entitled to be enrolled in the list by virtue of subsection (1) above unless it also satisfies the Council that it is complying with the requirements of rules under section 11(1) of this Act.
- (4) Subject to section 16 of this Act, a body corporate shall be entitled to be enrolled in the list if it satisfies the Council that it is accepted as a Lloyd's broker by the Committee of Lloyd's.

5 Appeals against refusal to register or enrol

- (1) Before refusing an application for registration under section 3 of this Act or an application for enrolment under section 4 of this Act, the Council shall give the person by whom or the body corporate by which the application was made an opportunity of appearing before and being heard by a committee of the Council.
- (2) Where the Council refuse any such application, the Council shall, if so required by the person by whom or the body corporate by which the application was made within seven days from notification of the decision, serve on that person or body a statement of the reasons therefor.
- (3) A person or body corporate whose application is so refused may within twenty-eight days from—
 - (a) notification of the decision, or
 - (b) if a statement of reasons has been required under subsection (2) above, service of the statement,appeal against the refusal to the Court.
- (4) The Council may appear as respondent on any such appeal and for the purpose of enabling directions to be given as to the costs of any such appeal the Council shall be deemed to be a party thereto, whether they appear on the hearing of the appeal or not.
- (5) On the hearing of any such appeal the Court may make such order as it thinks fit and its order shall be final.

6 Approval of educational institutions and qualifications

- (1) The Council may approve for the purposes of this Act any institution (hereinafter referred to as "an approved educational institution") where the instruction given to persons being educated as insurance brokers appears to the Council to be such as to secure to them adequate knowledge and skill for the practice of their profession.
- (2) The Council may approve for the purposes of this Act any qualification (hereinafter referred to as "an approved qualification") which appears to the Council to be granted to candidates who reach such a standard of proficiency at a qualifying examination as to secure to them adequate knowledge and skill for the practice of their profession.
- (3) Where the Council have refused to approve an institution or qualification under this section as suitable for any purpose, the Secretary of State, on representations being made to him within one month of the refusal, may, if he thinks fit, after considering the representations and after consulting the Council, order the Council to approve the institution or qualification as suitable for that purpose.
- (4) The Council shall publish before the day appointed for the coming into operation of section 3(1)(a) of this Act, and from time to time thereafter, a list of approved educational institutions and approved qualifications.

7 Supervision of educational institutions and qualifying examinations

- (1) It shall be the duty of the Council to keep themselves informed of the nature of the instruction given by any approved educational institution to persons being educated as insurance brokers and of the examinations on the results of which approved qualifications are granted.

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- (2) For the purposes of their duty under subsection (1) above the Council may appoint persons to visit approved educational institutions and to attend at the examinations held by the bodies which grant approved qualifications.
- (3) It shall be the duty of visitors appointed under subsection (2) above to report to the Council as to the sufficiency of the instruction given by the institutions visited by them, or of the examinations attended by them, and as to any other matters relating thereto which may be specified by the Council either generally or in any particular case, but no visitor shall interfere with the giving of any instruction or the holding of any examination.
- (4) Where it appears to the Council (as a result of a report under subsection (3) above or otherwise),—
 - (a) that the instruction given by any approved educational institution to persons being educated as insurance brokers or the examinations taken by such persons are not such as to secure the possession by them of adequate knowledge and skill for the practice of their profession; and
 - (b) that by reason thereof the approval of the institution or qualification in question should be withdrawn,the Council shall give notice in writing to the institution or body of their opinion, sending therewith a copy of any report on which their opinion is based.
- (5) On the receipt of the notice the institution or body may, within such period (not being less than one month) as the Council may have specified in the notice, make to the Council observations on the notice and any report sent therewith or objections to the notice and report.
- (6) As soon as may be after the expiration of the period specified in the notice under subsection (4) above the Council shall determine whether or not to withdraw their approval of the institution or qualification, as the case may be, taking into account any observations or objections duly made under subsection (5) above.
- (7) The Council shall give notice in writing of any decision under this section to withdraw approval of an institution or qualification to the institution or body concerned and the decision shall not take effect until the expiration of one month from the date of the giving of the notice or, if during that time the institution or body makes representations with respect to the decision to the Secretary of State, until the representations are finally dealt with.
- (8) Where the Council have decided to withdraw approval of an institution or qualification, the Secretary of State, on representations being made to him within one month from the giving of notice of the decision, may, if he thinks fit, after considering the representations and after consulting the Council order the Council to annul the withdrawal of approval.
- (9) The Council may pay to visitors appointed under this section such fees and such travelling and subsistence allowances as the Council may determine.

8 Supplementary provisions as to the register and list

- (1) The register and list shall be kept by the registrar of the Council who shall be appointed by the Council.

- (2) The Council may make rules with respect to the form and keeping of the register and list and the making of entries and alterations therein and, in particular—
- (a) regulating the making of applications for registration or enrolment and providing for the evidence to be produced in support of any such applications;
 - (b) providing for the notification to the registrar of any change in the particulars required to be entered in the register or list;
 - (c) prescribing a fee to be charged on the entry of a name in, or the restoration of a name to, the register or list;
 - (d) prescribing a fee to be charged in respect of the retention in the register or list of any name in any year subsequent to the year in which that name was first entered in the register or list;
 - (e) providing for the entry in the register of qualifications (whether approved qualifications or not) possessed by persons whose names are registered therein and for the removal of such qualifications from the register, and prescribing a fee to be charged in respect of the entry;
 - (f) authorising the registrar to refuse to enter a name in, or restore it to, the register or list until a fee prescribed for the entry or restoration has been paid and to erase from the register or list the name of a person who or body corporate which, after the prescribed notices and warnings, fails to pay the fee prescribed in respect of the retention of that name in the register or list;
 - (g) authorising the registrar to erase from the register or list the name of a person who or body corporate which, after the prescribed notices and warnings, fails to supply information required by the registrar with a view to ensuring that the particulars entered in the register or list are correct;
 - (h) prescribing anything required or authorised to be prescribed by the provisions of this Act relating to the register or list.
- (3) Rules under this section which provide for the erasure of a name from the register or list on failure to pay a fee shall provide for its restoration thereto on the making of the prescribed application in that behalf and on payment of that fee and any additional fee prescribed in respect of the restoration.
- (4) Rules under this section prescribing fees may provide for the charging of different fees in different classes of cases and for the making of arrangements for the collection of fees with such body or bodies as may be prescribed.

9 Publication of register and list

- (1) The Council shall cause the register and list to be printed and published within one year of the establishment of the Council and as often thereafter as they think fit.
- (2) Where the register or list is not published in any year after the first publication thereof, the Council shall cause any alterations in the entries in the register or list which have been made since the last publication thereof to be printed and published within that year.
- (3) A copy of the register or list purporting to be printed and published by the Council, shall, as altered by any alterations purporting to be printed and published by the Council, be evidence in all proceedings that the individuals specified in the register are registered therein or, as the case may be, that the bodies corporate specified in the list are enrolled therein; and the absence of the name of any individual or body corporate

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from any such copy of the register or list shall be evidence, until the contrary is shown, that he is not registered or, as the case may be, that it is not enrolled therein.

- (4) In the case of an individual whose name or a body corporate the name of which does not appear in any such copy of the register or list as altered as aforesaid, a certified copy, under the hand of the registrar, of the entry relating to that individual or body corporate in the register or list shall be evidence of the entry.