

Status: Point in time view as at 01/07/1994.

Changes to legislation: Insurance Companies Act 1982 (repealed), PART II is up to date with all changes known to be in force on or before 13 July 2024.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)

SCHEDULES

[^{F1}SCHEDULE 2F]

RECOGNITION IN THE UNITED KINGDOM OF EC AND EFTA COMPANIES]

Textual Amendments

F1 Sch. 2F inserted (1.7.1994) by S.I. 1994/1696, reg. 45(2), Sch. 6

Modifications etc. (not altering text)

C1 Sch. 2F: Power to contract out certain functions conferred (18.11.1998) by S.I. 1998/2842, arts. 2, 3, Sch. Pt. I para. 60

PART II

EFTA COMPANIES PROVIDING INSURANCE IN UNITED KINGDOM

Documents to be furnished to the Secretary of State

- 18 (1) An EFTA company which intends to provide insurance in the United Kingdom shall send to the Secretary of State—
- (a) a certificate, issued by the supervisory authority in the EFTA State in which the company's head office is situated, which attests—
 - (i) that the company possesses for its activities as a whole the minimum solvency margin calculated in accordance with the relevant provisions; and
 - (ii) that the company's authorisation in accordance with Article 7(1) of the relevant Directive enables the company to operate outside the EEA State in which the establishment through which the insurance will be provided is situated ("the EEA State of establishment");
 - (b) a certificate, issued by the supervisory authority in the EEA State of establishment, which—
 - (i) indicates the classes of insurance business which the company has been authorised to undertake through that establishment;
 - (ii) states that the authority does not object to the company providing insurance in the United Kingdom; and
 - (iii) where the company intends to provide long term insurance in the United Kingdom, confirms that all the commitments which the company intends to cover fall within the classes of insurance business which the company has been authorised to undertake through that establishment;

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- (c) a statement by the company of the nature of the risks or commitments which it proposes to cover in the United Kingdom;
 - (d) a notice stating the address of the company for the purpose of service of documents under this Schedule; and
 - (e) in the case of a company which intends to provide insurance to cover relevant motor vehicle risks—
 - (i) a notice stating the name and address of the claims representative; and
 - (ii) a declaration that the company has become a member of the Motor Insurers' Bureau (being a company limited by guarantee and incorporated under the Companies Act 1929 on 14th June 1946);
 and the company shall not provide insurance in the United Kingdom before the date certified as that on which those documents were received by the Secretary of State.
- (2) Where an EFTA company wishes to provide insurance in the United Kingdom in respect of risks or commitments other than those mentioned in the statement given in accordance with sub-paragraph (1)(c) above, it shall give written notice to the Secretary of State amending that statement; and it shall not provide insurance in the United Kingdom in respect of such risks or commitments before the date certified as that on which written notice of the amendment was received by the Secretary of State.
- (3) An EFTA company providing insurance in the United Kingdom shall notify the Secretary of State in writing of—
- (a) any change of address of the company for the purpose of the service of documents; and
 - (b) where it provides insurance to cover relevant motor vehicle risks, any change of name or address of the claims representative.
- (4) In sub-paragraph (1) above "the relevant Directive" and "the relevant provisions" mean respectively—
- (a) if the company intends to cover risks, the first general insurance Directive and Articles 16 and 17 of that Directive;
 - (b) if the company intends to cover commitments, the first long term insurance Directive and Articles 18, 19 and 20 of that Directive.
- (5) Any insurance which is provided by the company participating in a Community co-insurance operation otherwise than as the leading insurer shall be disregarded for the purposes of this paragraph.

Additional requirements with respect to relevant motor vehicle risks

- 19 An EFTA company shall not provide insurance in the United Kingdom to cover relevant motor vehicle risks unless—
- (a) it is a member of the Motor Insurers' Bureau (being a company limited by guarantee and incorporated under the Companies Act 1929 on 14th June 1946); and
 - (b) either it has appointed a claims representative or the insurance is provided by it participating in a Community co-insurance operation otherwise than as the leading insurer.

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Powers of intervention

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- (1) Where it appears to the Secretary of State that an EFTA company providing insurance in the United Kingdom has failed to comply with any provision of this Act, he may require it to take such steps as he may specify to comply with that provision.
 - (2) If the company fails to comply with a requirement under sub-paragraph (1) above, the Secretary of State shall notify the supervisory authority in the EEA State in which the establishment through which the insurance is provided is situated.
 - (3) If the company persists in contravening a provision which has been the subject of a requirement under sub-paragraph (1) above, the Secretary of State may, after informing that supervisory authority, direct the company to cease to provide insurance, or insurance of any specified description, in the United Kingdom.
 - (4) After giving such a direction, the Secretary of State shall by notice in writing inform the company of his reasons for doing so.
 - (5) A direction under this paragraph does not prevent the company from effecting a contract of insurance in pursuance of a term of a subsisting contract of insurance.
 - (6) A requirement or direction under this paragraph may be varied or revoked by the Secretary of State.

Power to require information

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- The Secretary of State may, for the purpose of facilitating the exercise by him of his functions under paragraph 20 above, require an EFTA company providing insurance in the United Kingdom to furnish him, at specified times or intervals with information about such matters as he may specify being, if he so requires, information verified in a specified manner.

Withdrawal of authorisation

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- (1) Where an EFTA company is providing insurance in the United Kingdom and the Secretary of State is notified by the supervisory authority in the EEA State in which the establishment through which the insurance is provided, or the company's head office, is situated that the authorisation of the company has been withdrawn in accordance with—
 - (a) Article 22 of the first general insurance Directive, or
 - (b) Article 26 of the first long term insurance Directive,he may direct the company to cease to provide insurance, or insurance of any specified description, in the United Kingdom through all, or any specified, establishments.
 - (2) After giving such a direction, the Secretary of State shall by notice in writing inform the company of his reasons for doing so.
 - (3) A direction under this paragraph does not prevent the company from effecting a contract of insurance in pursuance of a term of a subsisting contract of insurance.

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