



Insurance Companies Act 1982 (repealed)

1982 CHAPTER 50

PART II

REGULATION OF INSURANCE COMPANIES

Powers of intervention

39 Maintenance of assets in the United Kingdom.

- [^{F1}(1) The Secretary of State may require—
- (a) in the case of a UK company, that assets of the company of a value which at any time is equal to the whole or a specified proportion of the amount of its EC liabilities shall be maintained in the European Community; and
 - (b) in the case of an insurance company which is not a UK company, that assets of a value which at any time is equal to the whole or a specified proportion of the amount of its domestic liabilities shall be maintained in the United Kingdom.]
- (2) The Secretary of State may direct that for the purposes of any requirement under this section assets of a specified class or description shall or shall not be treated
- [^{F2}(a) in the case of a UK company, as assets maintained in the European Community; and
 - (b) in the case of an insurance company which is not a UK company, as assets maintained in the United Kingdom]
- (3) The Secretary of State may direct that for the purposes of any requirement under this section the [^{F3}EC or domestic liabilities] of a company, or such liabilities of any class or description, shall be taken to be the net liabilities after deducting any part of them which is reinsured.
- (4) A requirement imposed under this section may be framed so as to come into effect immediately after the day on which it is imposed or so as to come into effect after the expiration of a specified period (or such longer period as the Secretary of State may allow).

Status: Point in time view as at 01/04/1996. This version of this provision has been superseded.

Changes to legislation: Insurance Companies Act 1982 (repealed), Section 39 is up to date with all changes known to be in force on or before 22 July 2024.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)

[^{F4}(5) In this section—

- (a) any reference to an EC liability is a reference to a liability of the business carried on by the company in the European Community; and
 - (b) any reference to a domestic liability is a reference to a liability of the business carried on by the company in the United Kingdom.]
- (6) Subject to subsection (7) below, in computing the amount of any liabilities for the purposes of this section all contingent and prospective liabilities shall be taken into account but not liabilities in respect of share capital.
- (7) For the purposes of this section the value of any assets and the amount of any liabilities shall be determined in accordance with any applicable valuation regulations; and subsection (6) above shall have effect subject to any such regulations made by virtue of section 90(2) below.

Textual Amendments

- F1** S. 39(1)(a)(b) substituted for s. 39(1) (1.7.1994) by S.I. 1994/1696, **reg. 21(1)**
- F2** S. 39(2)(a)(b) substituted for words in s. 39(2) (1.7.1994) by S.I. 1994/1696, **reg. 21(2)**
- F3** Words in s. 39(3) substituted (1.7.1994) by S.I. 1994/1696, **reg. 21(3)**
- F4** S. 39(5) substituted (1.7.1994) by S.I. 1994/1696, **reg. 21(4)**

Status:

Point in time view as at 01/04/1996. This version of this provision has been superseded.

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