



Insurance Companies Act 1982 (repealed)

1982 CHAPTER 50

PART I

RESTRICTION ON CARRYING ON INSURANCE BUSINESS

Applications for authorisation

5 Submission of proposals etc.

- (1) The Secretary of State shall not issue an authorisation under section 3 above unless—
 - (a) the applicant has submitted to him such proposals as to the manner in which it proposes to carry on business, such financial forecasts and such other information as may be required by or in accordance with regulations under this Act, and
 - (b) he is satisfied on the basis of that and any other information received by him that the application ought to be granted.
- [^{F1}(1A) The Secretary of State shall not issue an authorisation under section 3 above to an applicant which is a UK or non-EC company if it appears to him that the criteria of sound and prudent management are not or will not be fulfilled with respect to the applicant.]
- (2) [^{F2}Subject to subsection (3) below,] The Secretary of State shall decide an application for an authorisation under section 3 above within six months of receiving the information referred to in subsection (1)(a) above; and if he refuses to issue the authorisation he shall inform the applicant in writing of the reasons for the refusal.
- [^{F3}(3) The Secretary of State may defer a decision on an application for an authorisation under section 3 above for such period as may be necessary for the purpose of implementing any decision of the Council or Commission of the Communities under—
 - (a) Article 29b(4) of the first general insurance Directive; or
 - (b) Article 32b(4) of the first long term insurance Directive.]

Status: Point in time view as at 30/04/1996. This version of this provision has been superseded.

Changes to legislation: Insurance Companies Act 1982 (repealed), Section 5 is up to date with all changes known to be in force on or before 23 July 2024.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)

[^{F4}(4) In this Act—

'criteria of sound and prudent management' means the criteria set out in Schedule 2A to this Act;

'EEA State' means a State which is a Contracting Party to the EEA Agreement ^{F5}. . . ;

'EFTA State' means an EEA State which is not a member State;

'non-EC company' means an insurance company—

- (a) whose head office is not in a member State;
- (b) which is authorised under section 3 or 4 above; and
- (c) whose business in the United Kingdom is not restricted to reinsurance business;

'UK company' means an insurance company—

- (a) which is incorporated in the United Kingdom;
- (b) whose head office is in the United Kingdom;
- (c) which is authorised under section 3 or 4 above;
- (d) whose business is not restricted to business to which subsection (5) below applies; and
- (e) which is not excluded from each Directive mentioned in that subsection by Article 3 of that Directive;

and any reference in this Part to an applicant or body which is a UK or non-EC company includes a reference to an applicant or body which would be such a company if the authorisation sought by it were issued.

^{F4}(5) This subsection applies to—

- (a) reinsurance business;
- (b) business which is excluded from the first long term insurance Directive by Article 2(2) or (3) of that Directive;
- (c) business which is excluded from the first general insurance Directive by Article 2(2)(b) of that Directive; and
- (d) business which is exempted from the authorisation requirements contained in this Part of this Act by subsections (2) to (5) of section 2 above.]

Textual Amendments

- F1** S. 5(1A) inserted (1.7.1994) by S.I. 1994/1696, **reg. 5(1)**
F2 Words in s. 5(2) inserted (19.11.1992) by S.I. 1992/2890, **reg. 2(1)**
F3 S. 5(3) inserted (19.11.1992) by S.I. 1992/2890, **reg. 2(2)**
F4 S. 5(4)(5) inserted (1.7.1994) by S.I. 1994/1696, **reg. 5(2)**
F5 Word in definition of "EEA State" in s. 5(4) omitted (30.4.1996) by virtue of S.I. 1996/944, **reg. 4(2)**

Status:

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