



# Insurance Companies Act 1982 (repealed)

## 1982 CHAPTER 50

### PART V

#### SUPPLEMENTARY PROVISIONS

##### *Interpretation*

#### [<sup>F1</sup>96A Interpretation of expressions derived from <sup>F2</sup> . . . insurance Directives.

(1) In this Act—

(a) “the first general insurance Directive” means Council Directive [73/239/EEC](#) of 24 July 1973 on the coordination of laws, regulations and administrative provisions relating to the taking-up and pursuit of the business of direct insurance other than life assurance;

(b) “the second general insurance Directive” means Council Directive [88/357/EEC](#) of 22 June 1988 on the coordination of laws, regulations and administrative provisions relating to direct insurance other than life assurance and laying down provisions to facilitate the effective exercise of freedom to provide services and amending Directive [73/239/EEC](#);

[<sup>F3</sup>(c) “the third general insurance Directive” means Council Directive [92/49/EEC](#) of 18 June 1992 <sup>F4</sup> on the coordination of laws, regulations and administrative provisions relating to direct insurance other than life assurance and amending Directives [73/239/EEC](#) <sup>F5</sup> and [88/357/EEC](#) <sup>F6</sup>;

and “the general insurance Directives” means those Directives as amended and such other Directives as make provision with respect to the business of direct insurance other than life assurance.

[ The Directives amending the general insurance Directives referred to in subsection (1) <sup>F7F8</sup>(1A) above include Council Directive [90/618/EEC](#) amending, particularly as regards motor vehicle liability insurance, Directive [73/239/EEC](#) and Directive [88/357/EEC](#).

[ In this Act—  
<sup>F7</sup>(1B)

*Status: Point in time view as at 23/12/1996. This version of this provision has been superseded.*

*Changes to legislation: Insurance Companies Act 1982 (repealed), Section 96A is up to date with all changes known to be in force on or before 18 August 2024.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)*

- (a) “the first long term insurance Directive” means Council Directive [79/267/EEC](#) of 5 March 1979 on the coordination of laws, regulations and administrative provisions relating to the taking up and pursuit of the business of direct life assurance;
- (b) “the second long term insurance Directive” means Council Directive [90/619/EEC](#) of 8 November 1990 on the coordination of laws, regulations and administrative provisions relating to direct life assurance, laying down provisions to facilitate the effective exercise of freedom to provide services and amending Directive [79/267/EEC](#);
- <sup>F9</sup>(c) [ ‘the third long term insurance Directive’ means Council Directive [92/96/EEC](#) of 10 November 1992 <sup>F10</sup> on the coordination of laws, regulations and administrative provisions relating to direct life assurance and amending Directives [79/267 EEC](#) <sup>F11</sup> and [90/619/EEC](#) <sup>F12</sup>.]

and “the long term insurance Directives” means those Directives.]

<sup>F13</sup>(1C) [ Any reference in this Act to the first or third general insurance Directive, or to the first or third long term insurance Directive, is a reference to that Directive as amended by the Prudential Supervision Directive (within the meaning of the Financial Institutions (Prudential Supervision) Regulations 1996).]

<sup>F14</sup>(2) [ In this Act, in relation to an insurance company, ‘establishment’ means the head office or a branch of the company; and references to a company being established in a State mean that the company has its head office or a branch there.

Any permanent presence of an insurance company in a State other than that in which it has its head office shall be regarded as a single branch, whether that presence consists of a single office which, or two or more offices each of which—

- (a) is managed by the company’s own staff;
- (b) is an agency of the company; or
- (c) is managed by a person who is independent but has permanent authority to act for the company in the same way as an agency.]

(3) References in this Act to the member State where the risk is situated are—

- (a) where the insurance relates to buildings or to buildings and their contents (in so far as the contents are covered by the same policy), to the member State in which the property is situated;
- (b) where the insurance relates to vehicles of any type, to the member State of registration;
- (c) in the case of policies of a duration of four months or less covering travel or holiday risks (whatever the class concerned), to the member State where the policy holder took out the policy;
- (d) in a case not covered by paragraphs (a) to (c)—
  - (i) where the policy holder is an individual, to the member State where he has his habitual residence [<sup>F15</sup>at the date when the contract is entered into];
  - (ii) otherwise, to the member State where the establishment of the policy holder to which the policy relates is situated [<sup>F16</sup>at that date].

<sup>F17</sup>(3A) [ In this Act references to the provision of insurance in the United Kingdom or any other EEA State are references to either or both of the following—

*Status: Point in time view as at 23/12/1996. This version of this provision has been superseded.*

*Changes to legislation: Insurance Companies Act 1982 (repealed), Section 96A is up to date with all changes known to be in force on or before 18 August 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)*

- (a) the covering (otherwise than by way of reinsurance) of a risk situated there through an establishment in another EEA State ('the provision of general insurance'); and
  - (b) the covering (otherwise than by way of reinsurance) of a commitment situated there through an establishment in another EEA State ('the provision of long term insurance').]
- (4) In this Act the "ECU" means the unit of account of that name defined in Council Regulation (EEC) No. 3180/78 as amended.

The exchange rates as between the ECU and the currencies of the member States to be applied for each year beginning on 31st December shall be the rates applicable on the last day of the preceding October for which rates for the currencies of all the member States were published in the Official Journal of the Communities.]

#### Textual Amendments

- F1 S. 96A inserted by S.I. 1990/1333, reg. 2(1)
- F2 Word in side-note omitted (20.5.1993) by virtue of S.I. 1993/174, reg. 6(3)
- F3 S. 96A(1)(c) inserted (1.7.1994) by S.I. 1994/1696, reg. 51(1)
- F4 O.J. L228, 11.8.92, page 1.
- F5 O.J. L228, 16.8.73, page 3.
- F6 O.J. L172, 4.7.88, page 1.
- F7 S. 96A(1B) substituted (20.5.1993) by S.I. 1993/174, reg. 6(4)
- F8 S. 96A(1A)(1B) inserted (19.11.1992) by S.I. 1992/2890, reg. 9(4)
- F9 S. 96A(1B)(c) inserted (1.7.1994) by S.I. 1994/1696, reg. 51(2)
- F10 O.J. L360, 9.12.92, page 1.
- F11 O.J. L63, 13.3.79, page 1.
- F12 O.J. L330, 29.11.90, page 50.
- F13 S. 96A(1C) inserted (18.7.1996) by S.I. 1996/1669, reg. 23, Sch. 5 para. 8
- F14 S. 96A(2) inserted (1.7.1994) by S.I. 1994/1696, reg. 51(3)
- F15 Words in s. 96A(3)(d)(i) inserted (30.12.1994) by S.I. 1994/3132, reg. 10(4)(a)
- F16 Words in s. 96A(3)(d)(ii) inserted (30.12.1994) by S.I. 1994/3132, reg. 10(4)(b)
- F17 S. 96A(3A) inserted (1.7.1994) by S.I. 1994/1696, reg. 51(4)

#### Modifications etc. (not altering text)

- C1 S. 96A(3) applied (3.5.1994) by S.I. 1994 c. 9, s. 73(2)

**Status:**

Point in time view as at 23/12/1996. This version of this provision has been superseded.

**Changes to legislation:**

Insurance Companies Act 1982 (repealed), Section 96A is up to date with all changes known to be in force on or before 18 August 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.