
STATUTORY INSTRUMENTS

1992 No. 2890

The Insurance Companies (Amendment) Regulations 1992

Information as respects the provision of insurance in other member States

Provision of statements and accounts

13.—(1) Every insurance company—

- (a) to which Part II of the 1982 Act⁽¹⁾ applies; and
- (b) which in a financial year provides insurance in a member State other than the United Kingdom through an establishment in the United Kingdom,

shall prepare in respect of insurance so provided by it a statement in Form 82 (analysis of gross premiums receivable by groups of classes) in accordance with the requirements of the Schedule to these Regulations.

(2) Where in any financial year the gross premiums so earned in a member State by an establishment in the United Kingdom exceed 2,500,000 ECU, the company shall also prepare an underwriting account in Form 83 or Form 84 as set out in the Schedule to these Regulations (or both if appropriate).

(3) The forms mentioned in paragraphs (1) and (2) above shall be prepared separately in respect of each member State in which the company provides the insurance.

(4) Where in any financial year a company provides insurance in a member State other than the United Kingdom through an establishment in the United Kingdom and the conditions specified in paragraph (5) below are met, the Secretary of State may by notice in writing direct the company in future to prepare an underwriting account in Form 83 or Form 84 as set out in the Schedule to these Regulations (or both if appropriate) in respect of the provision of insurance in that member State through its establishment in the United Kingdom.

(5) The conditions referred to in paragraph (4) above are that—

- (a) in that financial year the company earned through all its establishments (in the United Kingdom and elsewhere) gross premiums in excess of 2,500,000 ECU in respect of the provision of insurance in the member State concerned, and
- (b) the supervisory authorities of the member State in which insurance is provided or, if the head office of the company is situated in a member State other than the United Kingdom, the supervisory authorities of that member State, ask the Secretary of State that an underwriting account be kept by the company's establishment in the United Kingdom for the operations effected in the member State where the insurance is provided.

(6) The statement and any underwriting account required by this regulation shall be printed, and three copies shall be deposited with the Secretary of State within nine months after the end of the financial year to which they relate; but if in any case it is made to appear to the Secretary of State that the circumstances are such that a longer period than nine months should be allowed, the Secretary of State may extend that period by such period not exceeding three months as he thinks fit.

(1) 1982 c. 50; relevant amendments to the Act were made by the Insurance Companies (Amendment) Regulations 1990 (S.I. 1990/1333).

(7) One of the copies of any document deposited under paragraph (6) above shall be a copy signed by a director, a chief executive, or the secretary of the company.

(8) Where, in accordance with section 81G of the Insurance Companies Act 1982, an insurance company has notified the Secretary of State of its intention to provide insurance in a member State other than the United Kingdom through an establishment in the United Kingdom but in any financial year does not provide insurance in that member State then, subject to paragraph (9) below, the company shall send to the Secretary of State a notification of that fact within nine months after the end of the financial year to which the notification relates, signed by a director, a chief executive, or the secretary of the company.

(9) Paragraph (8) above shall not apply if the company has, before the beginning of the financial year, informed the Secretary of State that it no longer intends to provide insurance in the member State in question.

(10) The Secretary of State shall consider the documents deposited under paragraph (6) above or the notification given under paragraph (8), and if any such document or notification appears to him to be inaccurate or incomplete in any respect he shall communicate with the company with a view to the correction of any such inaccuracies and the supply of deficiencies.

(11) In this regulation—

- (a) “gross premiums” means premiums after deduction of discounts, refunds, rebates of premium and any taxes or levies that are related to those premiums but before deduction of premiums for reinsurance ceded and before deduction of commission payable by the company;
- (b) references to the provision of insurance in a member State other than the United Kingdom through an establishment in the United Kingdom shall be construed in accordance with Part IIIA of the 1982 Act;
- (c) other expressions bear the same meaning as in that Act and the Insurance Companies (Accounts and Statements) Regulations 1983(2).

Default in complying with regulation 13

14.—(1) An insurance company commits an offence if it makes default in complying with regulation 13 above.

(2) A person commits an offence if he causes or permits to be included in a form required by regulation 13 above to be deposited with the Secretary of State a statement which he knows to be false in a material particular or recklessly causes or permits to be so included a statement which is false in a material particular.

(3) A person committing an offence under this regulation is liable, on summary conviction in England and Wales and Scotland, to a fine not exceeding level 5 on the standard scale and, on summary conviction in Northern Ireland, to a fine not exceeding £2,000.

Application of regulations 13 and 14 to Lloyd's

15.—(1) Subject to paragraphs (2) and (3) below, regulations 13 and 14 above apply in relation to Lloyd's as they apply in relation to an insurance company to which Part II of the 1982 Act applies.

(2) The information required in the case of Lloyd's to be included in the statement and underwriting account referred to in regulation 13(6) or the notification referred to in regulation 13(8) is that relating to the members of Lloyd's taken together.

(3) Any such statement, underwriting account or notification shall be signed by the Chairman or a Deputy Chairman, for and on behalf of the Council of Lloyd's.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*
