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STATUTORY INSTRUMENTS

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**1994 No. 1516**

**The Insurance Companies Regulations 1994**

**PART XI**

**STATISTICAL INFORMATION**

**Interpretation : Part XI**

**79.** In this Part of these Regulations—

- (a) references to insurance business, general business and long term business do not include reinsurance business;
- (b) “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;
- (c) other expressions which are also used in the Insurance Companies (Accounts and Statements) Regulations 1983(1) have the same meanings as in those Regulations.

**Insurance statistics: EFTA States and EFTA companies**

**80.**—(1) Every company which—

- (a) being a UK company, in any calendar year provides general insurance in an EFTA State through an establishment in the United Kingdom; or
- (b) being an EFTA company, in any calendar year provides general insurance in an EEA State through an establishment in the United Kingdom,

shall prepare in respect of general 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 Schedule 15.

(2) Where in any calendar year the gross premiums so earned in any one 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 Schedule 15 (or both if appropriate).

(3) Every company which—

- (a) being a UK company, in any calendar year provides long term insurance in an EFTA State through an establishment in the United Kingdom; or
- (b) being an EFTA company, in any calendar year provides long term insurance in an EEA State through an establishment in the United Kingdom,

shall prepare in respect of long term insurance so provided by it a statement in Form 85 (analysis of gross premiums receivable by each of classes I to VI) in accordance with the requirements of Schedule 15.

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

(5) Where paragraph (1) applies and the conditions specified in paragraph (6) below are met in respect of the provision of general insurance in any one State, 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 Schedule 15 (or both if appropriate) in respect of the provision of general insurance in that State through its establishment in the United Kingdom.

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

- (a) in that calendar 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 general insurance in the State concerned, and
- (b) the supervisory authorities of the State in which insurance is provided or, if the head office of the company is situated in an EFTA State, the supervisory authorities of that EFTA 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 State where the insurance is provided.

(7) The statements 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 calendar 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.

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

(9) Subject to paragraph 10 below, where—

- (a) a UK company which has notified the Secretary of State, in accordance with paragraph 9 of Schedule 2G to the Act<sup>(2)</sup>, of its intention to provide insurance in an EEA State through an establishment in the United Kingdom; or
- (b) an EFTA company which has notified the Secretary of State, in accordance with paragraph 23 of Schedule 2F to the Act<sup>(3)</sup>, of its intention to provide insurance in an EEA State through an establishment in the United Kingdom,

does not in any calendar year provide insurance in that State, it shall send to the Secretary of State a notification of that fact within nine months after the end of the calendar year to which the notification relates, signed by a director, a chief executive or the secretary of the company.

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

(11) The Secretary of State shall consider the documents deposited under paragraph (7) above or the notification given under paragraph (9) 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.

### **Insurance statistics: other member States**

**81.**—(1) Every UK company which in any calendar year—

- (a) carries on general business in a member State other than the United Kingdom through a branch in that State; or

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(2) Schedule 2G was inserted by [S.I. 1994/1696](#), reg. 46 and Schedule 7.

(3) Schedule 2F was inserted by [S.I. 1994/1696](#), reg. 45 and Schedule 6.

- (b) provides general insurance in such a State through an establishment in the United Kingdom or another member State,

shall prepare in respect of general business so carried on by it a statement in Form 91 (analysis of financial particulars - branches), or general insurance so provided by it a statement in Form 92 (analysis of financial particulars - provision of insurance), in accordance with the requirements of Schedule 16.

- (2) Every UK company which in any calendar year—
  - (a) carries on long term business in a member State other than the United Kingdom through a branch in that State; or
  - (b) provides long term insurance in such a State through an establishment in the United Kingdom or another member State,

shall prepare in respect of long term business so carried on by it a statement in Form 93 (analysis of financial particulars - branches), or long term insurance so provided by it a statement in Form 94 (analysis of financial particulars - provision of insurance), in accordance with the requirements of Schedule 16.

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

(4) The statements 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 calendar 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.

(5) One of the copies of any statement deposited under paragraph (4) above shall be a copy signed by a director, a chief executive or the secretary of the company.

(6) Subject to paragraph (7) below, where a UK company which has notified the Secretary of State—

- (a) in accordance with paragraph 1 of Schedule 2G to the Act, of its intention to establish a branch in a member State other than the United Kingdom; or
- (b) in accordance with paragraph 5 of that Schedule, of its intention to provide insurance in such a State,

does not in any calendar year carry on insurance business or, as the case may be, provide insurance in that State, it shall send to the Secretary of State a notification of that fact within nine months after the end of the calendar year to which the notification relates, signed by a director, a chief executive or the secretary of the company.

(7) Paragraph (6) above shall not apply if the company has, before the beginning of the calendar year, informed the Secretary of State, in accordance with paragraph 8 of Schedule 2G to the Act, that it has ceased to carry on insurance business or, as the case may be, to provide insurance in the member State in question.

(8) The Secretary of State shall consider any statements deposited under paragraph (4) above and any notification given under paragraph (6) above and, if any such statement 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.

#### **Default in complying with regulation 80 or 81**

**82.**—(1) A UK company commits an offence if it makes default in complying with regulation 80 or 81 above.

(2) An EFTA company commits an offence if it makes default in complying with regulation 80 above.

(3) A person commits an offence if he causes or permits to be included in a form required by regulation 80 or 81 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.

(4) 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 80 to 82 to Lloyd's**

**83.**—(1) Subject to paragraphs (2) and (3) below, regulations 80 to 82 above apply in relation to Lloyd's as they apply in relation to a UK company.

(2) The information required in the case of Lloyd's to be included in—

- (a) the statements and underwriting account referred to in regulation 80(7) or the notification referred to in regulation 80(9); or
- (b) the statement referred to in regulation 81(4) or the notification referred to in regulation 81(6),

is that relating to the members of Lloyd's taken together.

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