
STATUTORY INSTRUMENTS

1994 No. 1696

**The Insurance Companies (Third
Insurance Directives) Regulations 1994**

PART II

AMENDMENTS OF 1982 ACT

CHAPTER VI

SUPPLEMENTARY PROVISIONS

Interpretation of expressions derived from insurance Directives

51.—(1) In subsection (1) of section 96A of the 1982 Act⁽¹⁾ (interpretation of expressions derived from insurance Directives), after paragraph (b) insert—

“(c) ‘the third general insurance Directive’ means Council Directive [92/49/EEC](#) of 18 June 1992⁽²⁾ on the coordination of laws, regulations and administrative provisions relating to direct insurance other than life assurance and amending Directives [73/239/EEC](#)⁽³⁾ and [88/357/EEC](#)⁽⁴⁾.”

(2) In subsection (1B) of that section, after paragraph (b) insert—

“(c) ‘the third long term insurance Directive’ means Council Directive [92/96/EEC](#) of 10 November 1992⁽⁵⁾ on the coordination of laws, regulations and administrative provisions relating to direct life assurance and amending Directives [79/267/EEC](#)⁽⁶⁾ and [90/619/EEC](#)⁽⁷⁾.”

(3) For subsection (2) of that section substitute—

“(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.”

(1) Section 96A was inserted by [S.I. 1990/1333](#), reg 2(1) and amended by [S.I. 1992/2890](#), reg 9(4) and [S.I. 1993/174](#), reg 6(3) to (5).

(2) [O.J. L228](#), 11.8.92, page 1.

(3) [O.J. L228](#), 16.8.73, page 3.

(4) [O.J. L172](#), 4.7.88, page 1.

(5) [O.J. L360](#), 9.12.92, page 1.

(6) [O.J. L63](#), 13.3.79, page 1.

(7) [O.J. L330](#), 29.11.90, page 50.

(4) After subsection (3) of that section insert—

“(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—

- (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’).”