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STATUTORY INSTRUMENTS

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**1994 No. 3132**

**The Insurance Companies (Amendment) Regulations 1994**

MISCELLANEOUS AND SUPPLEMENTAL

**Amendment of Banking Act 1987**

**11.** In section 84(1) of the Banking Act 1987<sup>(1)</sup> (disclosure of information obtained under that Act), in Entry No.4 of the Table, in the first column, for the words from the beginning to “Insurance Companies Act 1982” substitute the words “A person authorised to exercise powers under section 43A or 44 of the Insurance Companies Act 1982”.

**Amendments of Third Insurance Directives Regulations**

**12.—(1)** In regulation 69 of the Insurance Companies (Third Insurance Directives) Regulations 1994<sup>(2)</sup> (transitional provisions: EC companies), after paragraph (2) insert—

“(3) Where a State becomes a member State on a date after the commencement date, paragraphs (1) and (2) above shall have effect in relation to an insurance company whose head office is in that State as if any reference to the commencement date were a reference to that later date.”

(2) In regulation 70 of those Regulations (transitional provisions: UK insurers), after paragraph (2) insert—

“(3) Where a State becomes a member State on a date after the commencement date, paragraphs (1) and (2) above shall have effect in relation to a UK company which, or a member of Lloyd’s who, immediately before that later date is lawfully carrying on insurance business, or lawfully providing insurance, of a class or part of a class in that State as if—

- (a) any reference to a member State other than the United Kingdom were a reference to that State; and
- (b) any reference to the commencement date were a reference to that later date.”

(3) For regulation 71 of those Regulations substitute—

**“Transitory provision**

**71.—(1)** This regulation applies if in any member State (‘the defaulting State’) the third general insurance Directive and the third long term insurance Directive are not fully or substantially implemented—

- (a) on or before the commencement date; or
- (b) in the case of a State to which paragraph (3) of regulation 69 above applies, the later date mentioned in that paragraph.

(2) Until such date (‘the transitional date’) as those Directives are fully or substantially implemented in the defaulting State, the 1982 Act shall have effect in relation to an insurance

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(1) 1987 c. 22; section 84(1) was amended by S.I.1994/1696, Schedule 8, para 14(1).  
(2) S.I.1994/1696.

company whose head office is in that State as if that State were an EFTA State rather than a member State.

(3) Paragraph 2 of Schedule 2E to the 1982 Act shall have effect in relation to an insurance company whose head office is in the defaulting State as if the reference in sub-paragraph (1) to the commencement date were a reference to the transitional date.

(4) Paragraphs (1) and (2) of regulation 69 above shall have effect in relation to an insurance company whose head office is in the defaulting State as if any reference to the commencement date, or to the later date mentioned in paragraph (3) of that regulation, were a reference to the transitional date.”

### **Transitional provisions: EC companies**

13.—(1) If—

- (a) an insurance company which on the commencement date becomes an EC company for all purposes of the 1982 Act was immediately before that date lawfully carrying on insurance business of any class or part of a class in the United Kingdom; or
- (b) an insurance company which on that date becomes an EC company for all long term purposes of that Act was immediately before that date lawfully carrying on long term business of any class or part of a class in the United Kingdom,

the company shall be treated for those purposes as if the requirements of paragraph 1 or, as the case may require, paragraph 4 of Schedule 2F to that Act (recognition in the United Kingdom of EC and EFTA companies) had been complied with in relation to insurance business or long term business of that class or part of a class.

(2) If—

- (a) an insurance company which on the commencement date becomes an EC company for all purposes of the 1982 Act was immediately before that date lawfully providing insurance of any class or part of a class in the United Kingdom; or
- (b) an insurance company which on that date becomes an EC company for all long term purposes of that Act was immediately before that date lawfully providing long term insurance of any class or part of a class in the United Kingdom,

the company shall be treated for those purposes as if the requirements of paragraph 8 of Schedule 2F to that Act had been complied with in relation to insurance or long term insurance of that class or part of a class.

(3) Paragraph 2 of Schedule 2E to the 1982 Act (information for policy holders of UK insurers and EC companies) shall have effect in relation to an insurance company which falls within paragraph (1) or (2) above as if the reference in sub-paragraph (1) to 1st July 1994 were a reference to the commencement date.

(4) In this regulation and regulation 15 below—

- (a) “long term purposes” means purposes relating to the carrying on of long term business or the provision of long term insurance; and
- (b) references to an insurance company becoming an EC company are references to it becoming such a company by virtue of section 2(7) or (8) of the 1982 Act.

### **Transitional provisions: UK insurers**

14.—(1) If—

- (a) a UK company or a member of Lloyd's was immediately before the commencement date lawfully carrying on insurance business of a class or part of a class in Austria, Iceland, Norway or Sweden; or
- (b) such a company or member was immediately before that date lawfully carrying on long term business of a class or part of a class in Finland,

the company or member shall be treated for the purposes of the 1982 Act as if the requirements of paragraph 1 of Schedule 2G to that Act (recognition in other EEA States of UK insurers) had been complied with in relation to insurance business or long term business of that class or part of a class.

(2) If—

- (a) a UK company or a member of Lloyd's was immediately before the commencement date lawfully providing insurance of a class or part of a class in Austria, Iceland, Norway or Sweden; or
- (b) such a company or member was immediately before that date lawfully providing long term insurance of a class or part of a class in Finland,

the company or member shall be treated for the purposes of the 1982 Act as if the requirements of paragraph 5 of Schedule 2G to that Act had been complied with in relation to insurance or long term insurance of that class or part of a class.

### **Transitory provision**

**15.**—(1) This regulation applies if—

- (a) in Austria, Iceland, Norway or Sweden, the third general insurance Directive and the third long term insurance Directive are not fully or substantially implemented on or before the commencement date; or
- (b) in Finland, the third long term insurance Directive is not fully or substantially implemented on or before that date.

(2) Until such date (“the transitional date”) as those Directives are or, as the case may be, that Directive is fully or substantially implemented in the State concerned (“the defaulting State”), the 1982 Act shall have effect in relation to an insurance company—

- (a) whose head office is in that State; and
- (b) which, apart from this paragraph, would on the commencement date become an EC company for all purposes or, as the case may be, all long term purposes of that Act,

as if the provision made as regards that State by section 2(7) or (8) of that Act had not been made.

(3) Regulation 13 above shall have effect in relation to an insurance company—

- (a) whose head office is in the defaulting State; and
- (b) which on the transitional date becomes an EC company for all purposes or, as the case may be, all long term purposes of the 1982 Act,

as if any reference to the commencement date were a reference to the transitional date.