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## SCHEDULES

### SCHEDULE 1

#### AMENDMENTS OF THE INSURANCE COMPANIES ACT 1974

##### PART I

###### AMENDMENTS OF THAT ACT CONSEQUENTIAL ON ITS EXTENSION TO NORTHERN IRELAND

- 1 In section 2—
- (a) in subsection (1)—
    - (i) for " Great Britain " where it first occurs substitute " the United Kingdom ";
    - (ii) in paragraph (b), for the words from "3rd November" onwards substitute—
      - “(i) 3rd November 1966 was carrying on in Great Britain, or
      - (ii) 21st December 1967 was carrying on in Northern Ireland,
  - (iii) in paragraph (e) after " 1974 " insert " or, in Northern Ireland, a body which is, or is deemed to be, registered under the Acts relating to trade unions " and for " or association " substitute " , association or body ";
  - (b) in subsection (2)—
    - (i) for " Great Britain " substitute " the United Kingdom ";
    - (ii) in paragraph (b) after " 1896 " insert " or the Friendly Societies Act (Northern Ireland) 1970 " and for "that Act" substitute " either of those Acts ".
- 2 In section 3—
- (a) in subsection (1)—
    - (i) for " Great Britain " where it first occurs substitute " the United Kingdom " and omit " either ";
    - (ii) after paragraph (a) insert—
      - “(aa) it was carrying on in Northern Ireland insurance business of that class immediately before 21st December 1967 (and was entitled to carry on that business under the Assurance Companies Acts (Northern Ireland) 1909 to 1947); or”;
  - (b) in subsection (2) for " either paragraph " substitute " paragraph (a), (aa) or (b) " and for the words from " in Great Britain " onwards substitute “insurance business (whether of that class or not)—

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- (a) in Great Britain, immediately before 3rd November 1966, or
  - (b) in Northern Ireland, immediately before 21st December 1967”.
- 3 In sections 4(1)(a), 7(3) and (5) and 8(1) for " Great Britain " wherever it occurs substitute " the United Kingdom- ".
- 4 In section 9—
- (a) in subsection (1) for " either paragraph " substitute " paragraph (a), (aa) or (b) " and for " Great Britain " substitute " the United Kingdom ";
  - (b) in subsection (2) for " Great Britain " substitute " the United Kingdom ".
- 5 In section 11(4) for " 27th July 1967 " substitute—
- “(a) 27th July 1967 in Great Britain, or
  - (b) 4th April 1968 in Northern Ireland”.
- 6 In section 12—
- (a) in subsection (1) for " Great Britain " where it twice occurs substitute " the United Kingdom ";
  - (b) in subsection (3) after " association" where it first occurs insert " or, in Northern Ireland, a body which is, or is deemed to be, registered under the Acts relating to trade unions ".
- 7 In section 20—
- (a) in subsection (1) omit " (other than one registered in Northern Ireland) " and after " registrar " insert " in the case of a society registered in Great Britain or with the registrar in the case of a society registered in Northern Ireland, ";
  - (b) in subsection (3) after " Act)" insert " and section 97(1) of the Industrial and Provident Societies Act (Northern Ireland) 1969 (which confers similar regulation making powers on the Department of Commerce for Northern Ireland) " and for " that Act" in the second place where it occurs substitute " that Act of 1965 or, as the case may be, by the registrar under that Act of 1969 ";
  - (c) in subsection (4) at the end add " and ' registrar' has the meaning given by section 101(1) of the said Act of 1969 ".
- 8 In section 21(5) after " companies " insert " or with the registrar of companies in Northern Ireland or with both ".
- 9 In section 22(3) after " companies " insert " or with the registrar of companies in Northern Ireland or with both ".
- 10 In section 24(4) omit " and " and after " diligence" insert " and a charge imposed by the Enforcement of Judgments Office in Northern Ireland ".
- 11 In section 25(3X6) for "and Edinburgh" substitute " , Edinburgh and Belfast ".
- 12 In section 26(7)—
- (a) for the definition of " company " and " equity share capital" substitute—
    - “company ' (except in the expression ' insurance company') includes any body corporate and ' equity share capital' means, in relation to a company, its issued share capital excluding any part thereof which, neither as respects dividends nor as respects capital, carries any right to participate beyond a specified amount in a distribution ;”;

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- (b) in the definition of " share " at the end add " or the Companies Act (Northern Ireland) 1960 " .
- 13 In section 28(2)(a) after " 1948 " insert " or section 210 or 349 of the Companies Act (Northern Ireland) 1960 " .
- 14 For section 36(6) substitute—
- “(6) In this section ' books or papers ' includes accounts, deeds, writings and documents.” .
- 15 In section 40—
- (a) in subsection (4) for " and Edinburgh " substitute " , Edinburgh and Belfast " ;
- (b) in subsection (5)—
- (i) in paragraph (a) at the end add " or on the registrar of companies in Northern Ireland or on both " ;
- (ii) in paragraph (b), omit " (other than one registered in Northern Ireland) " and at the end add " in the case of a society registered in Great Britain or on the registrar as defined by section 101(1) of the Industrial and Provident Societies Act (Northern Ireland) 1969 in the case of a society registered in Northern Ireland " ;
- (c) in subsection (6) after " registrar of companies " where it twice occurs insert " or the registrar of companies in Northern Ireland " and after " State " insert " or, in the case of a notice served on the registrar of companies in Northern Ireland, the Department of Commerce for Northern Ireland " ;
- (d) in subsection (7) after " Act " insert " and section 97(1) of the said Act of 1969 (which confers similar regulation making powers on the Department of Commerce for Northern Ireland) " and at the end add " or, as the case may be, on the registrar " .
- 16 In section 41—
- (a) after subsection (1) insert—
- “(1A) The Secretary of State may bring civil proceedings in the name and on behalf of an insurance company to which this Part of this Act applies (whether or not a body corporate) under subsection (1) of section 163 of the Companies Act (Northern Ireland) 1960 and that subsection shall have effect in relation to such an insurance company as if the reference to any information or document obtained under the provisions there mentioned included a reference to any information or document obtained under this Act or any enactment repealed by the Insurance Companies Act 1980 and any reference to the Department of Commerce for Northern Ireland were a reference to the Secretary of State.” ;
- (b) in subsection (2) for " the said section 37(1) " substitute " section 37(1) of the said Act of 1967 or section 163(1) of the said Act of 1960 " .
- 17 In section 42—
- (a) in subsection (3)—
- (i) in paragraph (a), for " and Edinburgh " substitute " , Edinburgh and Belfast " ;
- (ii) in paragraph (d), for " Great Britain " substitute " the United Kingdom " ;

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- (b) in subsection (7) after " 1948 " insert " or section 197 or 199 of the Companies Act (Northern Ireland) 1960 ";
  - (c) in subsection (8)—
    - (i) in paragraph (a) for " registered or" substitute " both registered or both ";
    - (ii) for paragraph (b) substitute—
      - “(b) the High Court of Justice in Northern Ireland if the transferor company and the transferee company are both registered or both have their head offices in Northern Ireland ; and
      - (c) either the High Court of Justice in England or the Court of Session if either the transferor company or the transferee company is registered or has its head office in Scotland ; and
      - (d) either the High Court of Justice in England or the High Court of Justice in Northern Ireland if either the transferor company or the transferee company is registered or has its head office in Northern Ireland ; and
      - (e) either the Court of Session or the High Court of Justice in Northern Ireland if the transferor company or the transferee company is registered or has its head office in Scotland and the other such company is registered or has its head office in Northern Ireland.”;
  - (d) omit subsection (9);
  - (e) in subsection (10) for " Great Britain" where it twice occurs substitute " the United Kingdom ".
- 18 In section 43—
- (a) in subsection (3) after " 1946" insert " and section 75 of the Companies Act (Northern Ireland) 1960 and section 27(4) of the Finance (No. 2) Act (Northern Ireland) 1946 ";
  - (b) in subsection (5) at the end add "or the Companies Act (Northern Ireland) 1960 ".
- 19 In section 44(1) for " Great Britain " substitute " the United Kingdom " and after " 1948 " insert " or sections 210 and 349 of the Companies Act (Northern Ireland) 1960 ".
- 20 In section 45 after " 1948 " insert " or, as the case may be, the Companies Act (Northern Ireland) 1960 " and after " that Act" insert " of 1948 or, as the case may be, that Act of 1960 ".
- 21 In section 46—
- (a) after subsection (1) insert—
    - “(1A) The Secretary of State may present a petition for the winding up, in accordance with the Companies Act (Northern Ireland) 1960, of an insurance company to which this Part of this Act applies, being a company which may be wound up by the court under the provisions of that Act, on the ground—

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- (a) that the company is unable to pay its debts within the meaning of sections 210 and 211 or section 349 of that Act;
  - (b) that the company has failed to satisfy an obligation to which it is or was subject by virtue of this Act or any enactment repealed by the Insurance Companies Act 1980 ; or
  - (c) that the company, being under an obligation imposed by Article 25 of the Companies (Northern Ireland) Order 1978 with respect to the keeping of accounting records, has failed to satisfy that obligation or to produce records kept in satisfaction of that obligation and that the Secretary of State is unable to ascertain its financial position ;

and subsection (3) of section 163 of the said Act of 1960 shall have effect in relation to such an insurance company as if any reference to the Department of Commerce for Northern Ireland were a reference to the Secretary of State.”;

  - (b) in subsection (2) after " subsection (1) " insert " or (1A) ";
  - (c) in subsection (3) after " 1948 " insert " or, as the case may be, the said Act of 1960 ".
- 22 In section 47—
  - (a) in subsection (5) after " 1948 " insert " or, as the case may be, paragraphs (1) and (2) of Article 73 of the Companies (Northern Ireland) Order 1978 ";
  - (b) in subsection (6) after " 1948 " insert " or section 299(1) of the Companies Act (Northern Ireland) 1960 ".
- 23 In section 48—
  - (a) in subsection (4) after " 1948 " insert " or, in the case of a special manager appointed in proceedings in Northern Ireland, subsections (2) and (3) of section 236A of the Companies Act (Northern Ireland) 1960 " and for " that section " substitute " section 263 of the said Act of 1948 or, as the case may be, section 236A of the said Act of 1960 ";
  - (b) in subsection (7) after " 1948 " insert " or, as the case may be, section 227(1) of the said Act of 1960 ".
- 24 In section 51—
  - (a) in subsection (1) after " 1948 " insert " or section 317 of the Companies Act (Northern Ireland) 1960 ";
  - (b) in subsection (2)—
    - (i) for " the said section 365 " substitute " section 365 of the said Act of 1948 or, as the case may be, section 317 of the said Act of 1960 ";
    - (ii) after " 1948" insert " or, as the case may be, section 287 of the said Act of 1960 ".
- 25 After section 55 insert—

**“55A Documents deposited in Northern Ireland.**

Any insurance company which is required to prepare and deliver accounts under Article 3 or 11 of the Companies (Northern Ireland) Order 1978 shall deposit with the registrar of companies in Northern Ireland one copy of—

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- (a) any document deposited with the Secretary of State under section 18(1), 18(2), 18(6), 34(4) or 43(4) above ;
- (b) any document supplied by the company to the Secretary of State under section 18(5) above.”.
- 26 In sections 60(2) and 64(2) for "Great Britain" substitute " the United Kingdom ".
- 27 In section 68(2)(d) after " companies " insert " or the registrar of companies in Northern Ireland or with both such registrars ".
- 28 In section 69 after " 1958 " insert " and section 12(1) of the Prevention of Fraud (Investments) Act (Northern Ireland) 1940 " and after " that Act" insert " of 1958 and section 22(1) of that Act of 1940 ".
- 29 In section 75—
- (a) in subsection (1) for " Great Britain " substitute " the United Kingdom ";
- (b) in subsection (2) after " 1976 " insert " and sections 356, 358 to 364 and 373 of the Companies Act (Northern Ireland) 1960 and Articles 11 to 13 of the Companies (Northern Ireland) Order 1978 ", for " Great Britain " where it first occurs substitute " the United Kingdom ", after "Great Britain" where it occurs in the second place insert " or, as the case may be, Northern Ireland " and at the end add " or, as the case may be, companies to which Part X of the said Act of 1960 applies ".
- 30 In section 76(1) after " 1948 " insert " , under the Companies Act (Northern Ireland) 1960 ".
- 31 In section 80(3) for the words from the beginning to "this Act" substitute
- “In a case in which an unincorporated body is charged with an offence under this Act—
- (a) in England or Wales, section 33 of the Criminal Justice Act 1925 and Schedule 2 to the Magistrates' Courts Act 1952 (procedure on charge of offence against a corporation),
- (b) in Northern Ireland, section 18 of the Criminal Justice Act (Northern Ireland) 1945 and Schedule 5 to the Magistrates' Courts Act (Northern Ireland) 1964 (procedure on charge of offence against a corporation),
- shall have effect”.
- 32 In section 81 for the words from " in England" onwards substitute " be instituted—
- (a) in England or Wales, except by or with the consent of the Secretary of State, the Industrial Assurance Commissioner or the Director of Public Prosecutions,
- (b) in Northern Ireland, except by or with the consent of the Secretary of State, the Department of Commerce for Northern Ireland or the Director of Public Prosecutions for Northern Ireland ".
- 33 In section 82—
- (a) after subsection (3) insert—
- “(3A) Notwithstanding anything in section 34 of the Magistrates' Courts Act (Northern Ireland) 1964, a complaint relating to an offence under this Act which is triable by a court of summary jurisdiction in Northern Ireland may be so tried if it is made at any time within three years after the commission of the offence and within twelve

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- months after the date on which evidence sufficient, in the opinion of the Director of Public Prosecutions for Northern Ireland, the Secretary of State or the Department of Commerce for Northern Ireland, as the case may be, to justify the proceedings comes to his or that Department's knowledge.”;
- (b) in subsection (4) for the words " Secretary of State " there shall be substituted the words " Director of Public Prosecutions for Northern Ireland, the Secretary of State, the Department of Commerce for Northern Ireland " and after the word "his" there shall be inserted the words " , or that Department's, ".
- 34 In section 83(1) at the end add " or Articles 2(2) and 3(1) of the Industrial Assurance (Northern Ireland) Order 1979 ".
- 35 In section 85—
- (a) in subsection (1)—
- (i) in the definition of " body corporate ", for " Great Britain " substitute " the United Kingdom ";
- (ii) in the definition of " court", at the end add " or, in the case of an insurance company registered or having its head office in Northern Ireland, the High Court of Justice in Northern Ireland " ;
- (iii) after the definition of "director" insert—
- “ enactment ' includes an enactment of the Parliament of Northern Ireland and a Measure of the Northern Ireland Assembly ;”;
- (iv) in the definition of " former Companies Acts", after " 1929 " insert " or the Companies Act (Northern Ireland) 1932 " and after " that Act " insert " of 1929 or, as the case may be, that Act of 1932 ";
- (v) in the definition of " industrial assurance business " at the end add " or Articles 2(2) and 3(1) of the Industrial Assurance (Northern Ireland) Order 1979 " ;
- (vi) in the definition of " insolvent ", after " 1948 " insert " or, as the case may be " sections 210 and 211 or section 349 of the Companies Act (Northern Ireland) 1960";
- (vii) in the definition of " registered society" for the words from " or any " onwards substitute " or the Industrial and Provident Societies Act (Northern Ireland) 1969 ";
- (viii) in the definition of " registrar of companies ", at the end add " and ' registrar of companies in Northern Ireland ' means the registrar of companies within the meaning of section 399(1) of the Companies Act (Northern Ireland) 1960 ";
- (ix) in the definition of " subsidiary " at the end add " or section 148 of the Companies Act (Northern Ireland) 1960 " ;
- (b) in subsection (2) at the end add " or section 14(1) of the Insurance Companies Act (Northern Ireland) 1968 " ;
- (c) after subsection (4) insert—
- “(5) Any reference in this Act to an enactment of the Parliament of Northern Ireland or a Measure of the Northern Ireland Assembly shall include a reference to any enactment re-enacting it with or without modifications.”.

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- 36        In section 89—
- (a)    in subsection (2) after " made " insert " under section 365 of the Companies Act 1948 ";
  - (b)    in subsection (6) for " under the said section 30(5) or under " substitute " made under section 365 of the said Act of 1948 by virtue of the said section 30(5) or ".
- 37        In section 90(3) omit " not ".