

## SCHEDULES

### SCHEDULE 4

#### SAVING AND TRANSITIONAL PROVISIONS

- 1 In this Schedule—
  - " the appointed day" means the day appointed under section 5(2) of this Act for the coming into operation of this Act;
  - " the Department" means the Department of Commerce for Northern Ireland.
- 2 Any thing done (including any instrument or document made, issued, confirmed or granted and any decision, authorisation, direction, consent, application, request or thing made, issued, given or done) under the Insurance Companies Act 1974 or the instruments specified in section 3(3) of this Act or in Part I of Schedule 2 to this Act shall in so far as it had effect immediately before the appointed day have effect on or after that day in relation to Northern Ireland as if that Act or those instruments extended to Northern Ireland at the time when that thing was done and that thing was done in relation to Northern Ireland as well as Great Britain.
- 3 Articles 17 to 26 and 66 of the Insurance Companies (Northern Ireland) Order 1976 and regulations made under those Articles or Article 55(5) of that Order (preparation and submission to the Department of accounts and returns and other documents) shall continue to have effect after the appointed day in respect of any financial year ending on or before the day immediately preceding the appointed day and Article 72 of that Order (offences) shall also continue to have effect accordingly.
- 4 Where it appears to the Secretary of State that before the appointed day an insurance company has failed to comply with the obligations referred to in sub-paragraph (b) of Article 32(1) of the said Order of 1976, the Secretary of State may exercise the powers under paragraph (b) of section 28(1) of the said Act of 1974 as if the failure had been a failure to comply with the obligations referred to in that paragraph.
- 5 Where it appears to the Secretary of State that an insurance company has furnished misleading or inaccurate information to the Department as referred to in sub-paragraph (c) of Article 32(1) of the said Order of 1976, the Secretary of State may exercise the powers under paragraph (c) of section 28(1) of the said Act of 1974 as if the misleading or inaccurate information furnished had been furnished as referred to in that paragraph.
- 6 Any requirement imposed by the Department under Articles 33 to 41 of the said Order of 1976 which is in force immediately before the appointed day shall be deemed to have been imposed by the Secretary of State under sections 29 to 37 of the said Act of 1974 and may on or after that day be varied or rescinded by him under section 40 of the said Act of 1974.
- 7 Any notice issued by the Department under Article 44 or 45 of the said Order of 1976 which is in force immediately before the appointed day shall be deemed to have been issued by the Secretary of State under sections 38 and 39 of the said Act of 1974.

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*Status: This is the original version (as it was originally enacted).*

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- 8 Articles 19(2) and 65(2) of the said Order of 1976 (duty to notify changes of appointed actuaries or of directors, controllers or managers) shall continue to have effect after the appointed day in respect of any changes which take place before that day.
- 9 Articles 67 to 70 of the said Order of 1976 (power to make certain orders and to alter financial year) and orders made under those Articles which are in force immediately before the appointed day shall continue to have effect after that day in respect of any financial year ending on or before the day immediately preceding the appointed day.
- 10 Articles 83 to 87 of the said Order of 1976 and regulations made under those Articles (industrial assurance business, Lloyd's, unregistered companies) shall continue to have effect after the appointed day in respect of the business carried on in, and the returns relating to, any financial year ending on or before the day immediately preceding the appointed day.
- 11 Any asset valuation regulations made under Article 88 of the said Order of 1976 shall continue to have effect after the appointed day in relation to any valuation required to be made in respect of periods before that day.
- 12 Articles 89 to 92 of the said Order of 1976 (criminal proceedings) shall apply to proceedings under the said Order whether instituted before, on or after the appointed day.
- 13 Article 94 of the said Order of 1976 (annual report) shall Continue to have effect as long as the Department exercises any functions under the said Order.
- 14 In so far as any power or duty conferred or imposed under any provision of the said Order of 1976 can be performed under a corresponding provision of the said Act of 1974 after the appointed day, all information obtained or provided under or for the purposes of any provision of the said Order shall be deemed to have been obtained or provided under or for the purposes of that corresponding provision.
- 15 The repeal of section 44(2) and (3) of, and Schedules 3 and 4 to, the Insurance Companies Act (Northern Ireland) 1968 (which by virtue of Article 96(6) of the said Order of 1976 is not to take effect until the first rules under Article 62(2) of the said Order come into operation) shall not take effect until the first rules made under section 317 of the Companies Act (Northern Ireland) 1960 by virtue of section 51(2) of the said Act of 1974 come into operation.
- 16 The provisions of the Act of 1974, so far as extended to Northern Ireland in substitution for provisions of the said Order of 1976 relating to winding up, shall not affect any winding up commenced before the date on which the first rules made under section 317 of the Companies Act (Northern Ireland) 1960 by virtue of section 51(2) of the said Act of 1974 come into operation.
- 17 Without prejudice to section 4(1) of this Act, any enactment or document whatsoever referring to any enactment repealed by this Act shall be construed as referring (or including a reference) to the corresponding enactment in the said Act of 1974.
- 18 Until Articles 3, 11, 13 and 25 of the Companies (Northern Ireland) Order 1978 come into operation the following provisions of Part I of Schedule 1 to this Act shall have effect subject to the following modifications—
- (a) in paragraph 21(a) for the reference to Article 25 of that Order there shall be substituted a reference to sections 141 and 297 of the Companies Act (Northern Ireland) 1960;

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- (b) in paragraph 25 for the reference to Article 3 or 11 of that Order there shall be substituted a reference to section 122, 142 or 359 of that Act;
- (c) in paragraph 29 for the reference to Articles 11 to 13 of that Order there shall be substituted a reference to sections 359 and 363 of that Act.

19 Nothing in this Schedule shall be taken as prejudicing the operation of section 16(1) of the Interpretation Act 1978 (which relates to repeals).