



Industrial Assurance Act 1923

1923 CHAPTER 8

Special Provisions as to Industrial Assurance Companies

12 Application of Act of 1909 to industrial assurance companies

- (1) Industrial assurance business shall, for the purposes of the Assurance Companies Act, 1909, be treated as a separate class of assurance business, and accordingly a separate deposit shall be made in respect of that business as required by section two of that Act.
- (2) In relation to industrial assurance business, anything which under the Assurance Companies Act, 1909, is required or authorised to be done to, by, or with the Board of Trade or the President of the Board of Trade shall or may be done to, by, or with the Commissioner and the provisions of that Act shall have effect accordingly:

Provided that, where the company transacts other business besides that of industrial assurance business, nothing in this subsection shall affect the powers and duties of the Board of Trade or the President of the Board of Trade under the said Act in relation to that other class of business ; and, where any document required under the said Act to be sent to the Board of Trade relates both to industrial assurance business and to other assurance business, the document shall be sent both to the Commissioner and to the Board of Trade.

- (3) In its application to industrial assurance business the Assurance Companies Act, 1909, shall have effect subject to the following modifications:—
 - (a) The provisions relating to life assurance business shall apply also to industrial assurance business with the substitution of references to " industrial assurance business " and " the industrial assurance fund " for references to " life assurance business " and " the life assurance fund " :
 - (b) Where any expenses of management, or interest or dividends from investments, or sums on account of depreciation of securities, are apportioned between the industrial assurance business and any other business transacted by the company the auditor shall include in his report a special report as to the propriety or otherwise of the apportionment:
 - (c) A copy of every report of the auditor of the company shall be furnished to the Commissioner:

- (d) The Commissioner may refuse to issue a warrant for a deposit under section two of the said Act if he considers that it is inexpedient that the company should be authorised to carry on industrial assurance business, but in the case of such refusal the company may appeal to the court, and the Commissioner shall be entitled to appear and be heard on any such appeal:
- (e) On a petition under section thirteen of the said Act (which relates to the amalgamation of companies and the transfer- of business from one company to another) the Commissioner shall be entitled to be heard, and on any such hearing the Commissioner may apply to the court to exercise its powers under paragraph (b) of subsection (3) of that section of directing that the requirements of that paragraph shall be dispensed with or modified :
- (f) On any such petition, any class of persons (including employees of any company concerned) who allege that they are adversely affected by the amalgamation or transfer, shall be entitled to appear and to be heard :
- (g) The independent actuary referred to in paragraph (b) of subsection (3) of the said section thirteen shall be appointed by the President of the Institute of Actuaries or by the President of the Faculty of Actuaries in Scotland on the application of the Commissioner and shall make his report to the Commissioner, by whom copies thereof shall be sent to each company concerned in the amalgamation or transfer, and each such company shall, unless the court otherwise directs, transmit copies thereof to the owner of each policy of the company in manner provided by that section :
- (h) The said section thirteen shall apply to any transfer from one company to another, howsoever effected, of the liabilities or of any of. the liabilities arising in respect of industrial assurance business in like manner as if such transfer were a transfer of the industrial assurance business.

13 Prohibition of charges on industrial assurance fund

An industrial assurance company shall not, after the commencement of this Act, issue any debentures or debenture stock, or raise any loan, charged or purporting to be charged on any assets of the company in which the industrial assurance fund is invested, and any such charge shall be void:

Provided that this section shall not apply to a temporary bank overdraft.

14 Act to have effect notwithstanding memorandum articles or special Act

The provisions of this Act shall have effect notwithstanding anything in the memorandum or articles of association or rules or special Act of any industrial assurance company:

Provided that nothing in this Act shall affect the liability of the industrial assurance fund or of the life assurance fund in the case of a company established before the commencement of this Act to the prejudice of persons interested in contracts entered into by the company before that date.