
STATUTORY INSTRUMENTS

1993 No. 174

The Insurance Companies (Amendment) Regulations 1993

amendments of the 1982 act

Provision of insurance from another Member State

4.—(1) Part IIIA of the 1982 Act⁽¹⁾ (provision of insurance from another member State) is amended as follows.

(2) For subsection (1) of section 81A (introductory provisions) substitute—

“(1) References in this Part to the provision of insurance in a member State are to either or both of the following—

- (a) the covering of a risk situated there through an establishment in another member State (referred to in this Part as the provision of general insurance); and
- (b) the covering of a commitment there through an establishment in another member State (referred to in this Part as the provision of long term insurance).”

(3) In subsection (3) of that section—

- (a) in paragraph (a), after the word “Directive” insert the words “or Article 6 of the first long term insurance Directive”; and
- (b) after paragraph (b) replace the full stop at the end of paragraph (b) with a semi-colon and insert

“and

- (c) references to the covering of a commitment are to the covering (otherwise than by way of reinsurance) of a commitment to which this Part applies.”

(4) For subsection (4) of that section substitute—

“(4) This Part applies to—

- (a) risks falling within Schedule 2 to this Act (general business), other than—
 - class 1, so far as it relates to accidents at work;
 - class 13, so far as it relates to nuclear civil liability and pharmaceutical product liability;
 - classes 9 and 13, so far as they relate to the compulsory insurance of building works; and
- (b) commitments falling within Schedule 1 to this Act other than class VII.”

(5) In subsection (1) of section 81B (provision of insurance in the United Kingdom: documents to be furnished to the Secretary of State)—

- (a) in paragraph (a), for the words “Articles 16 and 17 of the first general insurance Directive” substitute the words “the relevant provisions” and for the words “that Directive” substitute the words “the relevant Directive”;
- (b) in paragraph (b), after sub-paragraph (ii) insert

(1) Part IIIA was inserted by S.I. 1990/1333, reg. 10 and amended by S.I. 1992/2890, reg. 7.

“and

(iii) where the company intends to provide long term insurance in the United Kingdom, confirms that all the commitments which the company intends to cover fall within the classes of insurance business which the company has been authorised to undertake through that establishment,”; and

(c) in paragraph (c), after the word “risks” insert the words “or commitments”.

(6) After subsection (1A) of that section insert–

“(1B) In subsection (1) above “the relevant Directive” and “the relevant provisions” mean respectively–

(a) if the company intends to cover risks, the first general insurance Directive and Articles 16 and 17 of that Directive;

(b) if the company intends to cover commitments, the first long term insurance Directive and Articles 18, 19 and 20 of that Directive.”

(7) In subsection (2) of that section, after the word “risks”, in each place where it occurs, insert the words “or commitments”.

(8) In subsections (1) and (2)(a) of section 81C (information to be given to the policy holder), after the word “risk” insert the words “or commitment”.

(9) In subsection (1) of section 81F (withdrawal of authorisation), for the words “Article 22 of the first general insurance Directive” substitute–

“(a) Article 22 of the first general insurance Directive; or

(b) Article 26 of the first long term insurance Directive.”

(10) In subsections (2) and (4) of section 81G (provision of insurance in another member State: notification to Secretary of State), after the word “risks”, in each place where it occurs, insert the words “or commitments”.

(11) In subsection (1) of section 81H (issue of certificates by Secretary of State)–

(a) in paragraph (a), for the words “Articles 16 and 17 of the first general insurance Directive” substitute the words “the relevant provisions”; and

(b) in paragraph (b), for the words “that Directive” substitute the words “the relevant Directive”.

(12) After that subsection insert–

“(1A) In subsection (1) above “the relevant Directive” and “the relevant provisions” mean respectively–

(a) if the company intends to cover risks, the first general insurance Directive and Articles 16 and 17 of that Directive;

(b) if the company intends to cover commitments, the first long term insurance Directive and Articles 18, 19 and 20 of that Directive.”