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STATUTORY INSTRUMENTS

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**1994 No. 1696**

**The Insurance Companies (Third  
Insurance Directives) Regulations 1994**

**PART II**

**AMENDMENTS OF 1982 ACT**

**CHAPTER VI**

*SUPPLEMENTARY PROVISIONS*

**General interpretation**

**50.**—(1) In subsection (1) of section 96 of the 1982 Act<sup>(1)</sup> (general interpretation)—

- (a) after the definition of “annuities on human life” insert—

“‘associate’ shall be construed in accordance with section 96C below;”;
- (b) in the definition of “chief executive”, for the words “section 7 above” substitute the words “section 96D below”;
- (c) for the definition of “claims representative” substitute—

“‘claims representative’ has the meaning given in section 96F below;”;
- (d) in the definition of “controller”, for the words “section 7 above” substitute the words “section 96C below”;
- (e) after that definition insert the following definitions—

“‘Community co-insurance operation’ and, in relation to such an operation, ‘leading insurer’ have the same meanings as in Council Directive [78/473/EEC](#) of 30th May 1978<sup>(2)</sup> on the co-ordination of laws, regulations and administrative provisions relating to Community co-insurance;”;
- (f) after the definition of “court” insert—

“‘criteria of sound and prudent management’ means the criteria set out in Schedule 2A to this Act;”;
- (g) after the definition of “director” insert—

“‘EC company’ has the meaning given in section 2 above;  
‘EEA Agreement’ means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992<sup>(3)</sup> as adjusted by the Protocol signed at Brussels on 17th March 1993<sup>(4)</sup>;

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(1) Section 96 has been amended by [S.I. 1990/1333](#), reg 8(3) and [S.I. 1993/174](#), reg 2(1)(c); and there are other amendments not relevant to these Regulations.

(2) O.J. L151, 7.6.78, page 25.

(3) O.J. L1, 3.1.94, page 3.

(4) O.J. L1, 3.1.94, page 572.

‘EEA State’ means a State which is a Contracting Party to the EEA Agreement but, until the EEA Agreement comes into force in relation to Liechtenstein, does not include the State of Liechtenstein;

‘EFTA company’ has the meaning given by section 72B above;

‘EFTA State’ means an EEA State which is not a member State;”;

(h) after the definition of “holding company” insert—

“‘home State’, in relation to an EC company, means the member State in which the company’s head office is situated;”;

(i) in the definition of “main agent”, for the words “section 7 above” substitute the words “section 96E below”;

(j) in the definition of “manager”, for the words “section 7 above” substitute the words “section 96D below”;

(k) for the definition of “member State of the commitment” substitute—

“‘non-EC company’ has the meaning given in section 5 above;

‘notifiable holding’ means voting rights or shares which, if acquired by any person, will result in his becoming a 10 per cent.shareholder controller, a 20 per cent.shareholder controller, a 33 per cent.shareholder controller, a 50 per cent.shareholder controller or a majority shareholder controller;”;

(l) after the definition of “registrar of companies” insert—

“‘relevant motor vehicle risks’ means risks falling within class 10 of Schedule 2 to this Act (motor vehicle liability), but excluding carrier’s liability;

‘shareholder controller’, ‘10 per cent.shareholder controller’, ‘20 per cent.shareholder controller’, ‘33 per cent.shareholder controller’, ‘50 per cent.shareholder controller’ and ‘majority shareholder controller’ have the meanings given by section 96C below;

‘State of the commitment’, in relation to a commitment entered into at any date, means—

(a) where the policy holder is an individual, the State in which he had his habitual residence at that date;

(b) where the policy holder is not an individual, the State in which the establishment of the policy holder to which the commitment relates was situated at that date,

and ‘member State of the commitment’ shall be construed accordingly;”;

(m) after the definition of “subsidiary” insert—

“‘subsidiary undertaking’ shall be construed in accordance with section 258 of the Companies Act(5) and Article 266 of the Companies (Northern Ireland) Order 1986(6);”;

(n) after the definition of “Swiss general insurance company” insert—

“‘UK company’ has the meaning given in section 5 above;”.

(2) After subsection (4) of that section insert—

“(5) Except as otherwise provided by paragraph 27 of Schedule 2F to this Act, this Act shall apply as if Gibraltar were a member State.”

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(5) 1985 c. 6: section 258 was inserted by the Companies Act 1989 (c. 40), section 21.

(6) S.I. 1986/1032 (N.I.6); Article 266 was inserted by the Companies (Northern Ireland) Order 1990 (S.I. 1990/593 (N.I.5)), Article 23.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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