

---

STATUTORY INSTRUMENTS

---

**1995 No. 351**

**The Lloyd's Underwriters (Tax) Regulations 1995**

*Preliminary*

**Citation, commencement and effect**

1. These Regulations may be cited as the Lloyd's Underwriters (Tax) Regulations 1995 and shall come into force on 9th March 1995, but except as otherwise provided shall have effect—

- (a) in their application to members who are individuals, with respect to the year 1992–93 and subsequent years of assessment;
- (b) in their application to corporate members, with respect to the underwriting year 1994 and subsequent underwriting years.

**Interpretation**

2.—(1) In these Regulations unless the context otherwise requires—

“ancillary trust fund” in relation to a member who is an individual has the meaning given by section 184(1) of the Finance Act 1993<sup>(1)</sup>, and in relation to a corporate member has the meaning given by section 230(1) of the Finance Act 1994;

“the Board” means the Commissioners of Inland Revenue;

“Chapter III” means Chapter III of Part II of the Finance Act 1993, and “Chapter V” means Chapter V of Part IV of the Finance Act 1994;

“inspector” includes any officer of the Board;

“Management Act” means the Taxes Management Act 1970<sup>(2)</sup>;

“managing agent” in relation to a member who is an individual has the meaning given by section 184(1) of the Finance Act 1993 as extended by regulation 3, and in relation to a corporate member has the meaning given by section 230(1) of the Finance Act 1994 as extended by that regulation;

“member” means a member of Lloyd's who is an individual or, as the case may be, a corporate member and who is or has been an underwriting member;

“quota share contract” in relation to a member who is an individual has the meaning given by section 178(4) of the Finance Act 1993, and in relation to a corporate member has the meaning given by section 225(4) of the Finance Act 1994;

“Schedule 19” and “Schedule 20” mean respectively Schedule 19 and Schedule 20 to the Finance Act 1993;

“the Taxes Act” means the Income and Corporation Taxes Act 1988<sup>(3)</sup>;

---

(1) The definition of “ancillary trust fund” in section 184(1) of the Finance Act 1993 was amended by paragraph 8(1)(a) of Schedule 21 and Part V(25) of Schedule 26 to the Finance Act 1994.

(2) 1970 c. 9.

(3) 1988 c. 1.

“section 179” and “section 179A” mean respectively, section 179 and section 179A of the Finance Act 1993;

“underwriting business” in relation to a member who is an individual has the meaning given by section 184(1) of the Finance Act 1993, and in relation to a corporate member has the meaning given by section 230(1) of the Finance Act 1994.

(2) For the purposes of these Regulations an underwriting year and a year of assessment shall be deemed to correspond to each other if the underwriting year ends in the year of assessment.

(3) References in these Regulations to the profits or losses of the underwriting business of a member who is an individual are references to profits or losses of that business within Chapter III, and references to the profits or losses of a corporate member’s underwriting business are references to the profits or losses of that business within Chapter V.

### **Managing agents**

**3.—**(1) For the purposes of Parts I and III of Schedule 19 and of these Regulations, if the person who is acting as a managing agent in relation to an underwriting year corresponding to a year of assessment (in this regulation referred to as “the original year of assessment”) is different from the person who was so acting at the end of that underwriting year (in this regulation referred to as “the original agent”), then “managing agent” has the meaning given by sub-paragraph (a) or, as the case may be, sub-paragraph (b) of paragraph (2) below.

(2) If the original agent ceases so to act—

- (a) before the beginning of the year of assessment next but two following the original year of assessment, then “managing agent” means—
  - (i) the person who is so acting at the beginning of that year of assessment, or
  - (ii) if that person ceases so to act, such person as the Board may determine having regard to all the circumstances;
- (b) after the end of the year of assessment next but one following the original year of assessment, then “managing agent” means such person as the Board may determine having regard to all the circumstances.