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STATUTORY INSTRUMENTS

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**2005 No. 1998**

**The Insurers (Reorganisation and  
Winding Up) (Lloyd's) Regulations 2005**

**PART 1**

**GENERAL**

**Citation and commencement**

1. These Regulations may be cited as the Insurers (Reorganisation and Winding Up) (Lloyd's) Regulations 2005, and come into force on 10 August 2005.

**Interpretation**

2.—(1) In these Regulations—

“the Administration for Insurers Order” means the Financial Services and Markets Act 2000 (Administration Orders Relating to Insurers) Order 2002(1);

“affected market participant” means any member, former member, managing agent, members' agent, Lloyd's broker, approved run-off company or coverholder to whom the Lloyd's market reorganisation order applies;

“approved run-off company” means a company with the permission of the Society to perform executive functions, insurance functions or administrative and processing functions on behalf of a managing agent;

“the association of underwriters known as Lloyd's” has the meaning it has for the purposes of the First Council Directive of 24 July 1973 on the coordination of laws, regulations and administrative provisions relating to the taking and pursuit of the business of direct insurance other than life assurance (73/239/EEC)(2) and Directive 2002/83/EC of the European Parliament and of the Council of 5 November 2002 concerning life assurance(3);

“central funds” means the New Central Fund as provided for in the New Central Fund Byelaw (No. 23 of 1996)(4) and the Central Fund as provided for in the Central Fund Byelaw (No. 4 of 1986);

“company” means a company within the meaning of section 735 of the 1985 Act or Article 3 of the Companies Order or a company incorporated elsewhere than in Great Britain that is a member of Lloyd's;

“corporate member” means a company admitted to membership of Lloyd's as an underwriting member;

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(1) S.I.2002/1242 as amended by S.I. 2003/2134.

(2) OJ L228, 16.8.73, p.3.

(3) OJ L345, 19.12.2002, p.1.

(4) Byelaws of Lloyd's are available on request from the Secretary to the Council, Lloyd's, One Lime Street, London EC3M 7HA.

“coverholder” means a company or partnership authorised by a managing agent to enter into, in accordance with the terms of a binding authority, a contract or contracts of insurance to be underwritten by the members of a syndicate managed by that managing agent;

“former member” means a person who has ceased to be a member, whether by resignation or otherwise, in accordance with Lloyd’s Act 1982<sup>(5)</sup> and any byelaw made under it or in accordance with the provisions of Lloyd’s Acts 1871 – 1982 then in force at the time the person ceased to be a member;

“Gazette” means the London Gazette, the Edinburgh Gazette and the Belfast Gazette;

“individual member” means a member or former member who is an individual;

“insurance market activity” has the meaning given by section 316(3) of the 2000 Act;

“insurance market debt” means an insurance debt under or in connection with a contract of insurance written at Lloyd’s;

“Lloyd’s Acts 1871-1982” means Lloyd’s Act 1871<sup>(6)</sup>, Lloyd’s Act 1911<sup>(7)</sup>, Lloyd’s Act 1951<sup>(8)</sup> and Lloyd’s Act 1982;

“Lloyd’s broker” has the meaning given by section 2(1) of Lloyd’s Act 1982;

“managing agent” has the meaning given by article 3(1) of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001<sup>(9)</sup>;

“member” means an underwriting member of the Society;

“members' agent” means a person who carries out the activity of advising a person to become, or continue or cease to be, a member of a particular Lloyd’s syndicate;

“overseas business regulatory deposit” means a deposit provided or maintained in respect of the overseas insurance and reinsurance business carried on by members in accordance with binding legal or regulatory requirements from time to time in force in the country or territory in which the deposit is held;

“overseas insurance business” means insurance business and reinsurance business transacted by members in a country or territory that is not or is not part of an EEA State;

“the principal Regulations” means the Insurers (Reorganisation and Winding Up) Regulations 2004<sup>(10)</sup>;

“relevant trust fund” means any funds held on trust under a trust deed entered into by the member in accordance with the requirements of the Authority and the Byelaws of the Society for the payment of an obligation arising in connection with insurance market activity carried on by the member or for the establishment of a Lloyd’s deposit and includes funds held on further trusts declared by the Society or the trustee of such a trust deed in respect of any class of insurance market activity;

“the Room” has the meaning given by section 2(1) of Lloyd’s Act 1982;

“the Society” means the Society incorporated by Lloyd’s Act 1871;

“subsidiary of the Society” means a company that is a subsidiary of the Society within the meaning of section 736 of the 1985 Act or Article 4 of the Companies Order;

“syndicate” has the meaning given by article 3(1) of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001.

(5) 1982 c xiv.

(6) 34 Vict c. xxi.

(7) 1&2 Geo V c. lxii.

(8) 14&15 Geo VI c. viii.

(9) S.I. 2001/544, to which there are amendments not relevant to these Regulations.

(10) S.I. 2004/353, as amended by S.I. 2004/546.

(2) Subject to paragraph (3), words and phrases used in these Regulations have the same meaning as in the principal Regulations except where otherwise specified or where the context requires otherwise.

(3) For the purposes of these Regulations, “UK insurer” is to be treated as including a member or a former member.

(4) These Regulations have effect notwithstanding the provisions of section 360 of the 2000 Act.