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STATUTORY INSTRUMENTS

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**2008 No. 1950**

**The Insurance Accounts Directive (Lloyd's Syndicate  
and Aggregate Accounts) Regulations 2008**

**PART 1**

**GENERAL**

**Citation, commencement and application**

**1.**—(1) These Regulations may be cited as the Insurance Accounts Directive (Lloyd's Syndicate and Aggregate Accounts) Regulations 2008.

(2) These Regulations come into force on 15th August 2008 and apply in relation to financial years beginning on or after 1st January 2009.

**Interpretation**

**2.**—(1) In these Regulations—

“the 2006 Act” means the Companies Act 2006<sup>(1)</sup>;

“the 2008 Regulations” means the Large and Medium-sized Companies and Groups (Accounts and Reports) Regulations 2008<sup>(2)</sup>;

“appropriate audit authority” means—

(a) the Secretary of State, or

(b) if the Secretary of State has delegated functions under section 1252 of the Companies Act 2006 (delegation of the Secretary of State's functions) to a body whose functions include receiving notice that an auditor of a syndicate or of the aggregate accounts has ceased to hold office, that body;

“the Authority” means the Financial Services Authority;

“the Council of Lloyd's” means the Council constituted by section 3 of Lloyd's Act 1982 (the Council);

“financial year” means the period of 12 months beginning on 1st January;

“Lloyd's byelaws” means the byelaws made under Lloyd's Acts 1871 to 1982<sup>(3)</sup>;

“managing agent” means a person who is permitted by the Council of Lloyd's, in the conduct of his business as an underwriting agent, to perform, for a member of Lloyd's, one or more of the following functions—

(a) underwriting contracts of insurance at Lloyd's;

(b) reinsuring such contracts in whole or in part;

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(1) 2006 c.46.

(2) S.I. 2008/410.

(3) 1871 c. xxi; 1911 c. lxii; 1951 c. viii; 1982 c. xiv.

(c) paying claims on such contracts;

“syndicate” means one or more persons, to whom a syndicate number has been assigned by or under the authority of the Council of Lloyd’s, carrying out or effecting contracts of insurance written at Lloyd’s;

“syndicate’s annual accounts” means the accounts prepared in accordance with regulation 5(2) (a) of these Regulations.

(2) In these Regulations any reference to a person being “in default” in relation to a requirement of these Regulations means a person who authorises or permits, participates in, or fails to take all reasonable steps to prevent, a contravention of that requirement.

(3) For the purposes of these Regulations an underwriting year of account is closed—

(a) at the time when a contract of reinsurance to close that year of account, which complies with the requirements in the Lloyd’s byelaws, takes effect; or

(b) in the case of a syndicate which consists of a single corporate member, at the time when an amount representing the provision for all known and unknown liabilities attributable to the closing year of account, is included in the underwriting account for the following underwriting year.

(4) Except as otherwise provided in these Regulations, words and expressions used in the 2006 Act have the same meaning in these Regulations as they have in that Act.

### **Senior Statutory Auditor**

**3.—**(1) In these Regulations, “senior statutory auditor” means the individual identified by a firm as senior statutory auditor in relation to an audit in accordance with the standards or guidance mentioned in section 504(1) of the 2006 Act (senior statutory auditor).

(2) The person identified as senior statutory auditor must be eligible for appointment as auditor of the syndicate in question under Chapter 2 of Part 42 of the 2006 Act (statutory auditors: individuals and firms).

(3) The senior statutory auditor is not, by reason of being named or identified as senior statutory auditor or by reason of his or her having signed the auditor’s report, subject to any civil liability to which he or she would not otherwise be subject.

### **Summary proceedings**

**4.** Sections 1127 and 1128 of the 2006 Act (summary proceedings: venue and time limit for proceedings) apply to an offence under these Regulations as they apply to an offence under the Companies Acts (as defined by section 2(1) of the 2006 Act).