

---

STATUTORY INSTRUMENTS

---

**2009 No. 509**

**The Mutual Societies (Transfers) Order 2009**

**PART 3**

**Supplementary**

**EEA mutual society**

**19.**—(1) A mutual insurer is an EEA mutual society for the purposes of section 3 of the 2007 Act (transfers to subsidiaries of other mutuals).

(2) A mutual insurer is a body corporate which—

- (a) is a cooperative or mutual undertaking;
- (b) is established or operates in accordance with the laws of an EEA state or any of the Channel Islands or the Isle of Man;
- (c) has no share capital;
- (d) is not a wholly-owned subsidiary within the meaning of section 1159(2) of the Companies Act 2006<sup>(1)</sup>; and
- (e) is an insurer.

(3) In paragraph (2) “insurer” means—

- (a) an undertaking authorised under Article 4 of the life assurance consolidation directive or Article 6 of the first non-life insurance directive, or
- (b) an undertaking which—
  - (i) is incorporated in any of the Channel Islands or the Isle of Man, and
  - (ii) would satisfy the requirements for authorisation under either of the directives mentioned in sub-paragraph (a) if it had its registered office (or if it does not have a registered office, its head office) in an EEA state.

(4) In paragraph (3)—

“the first non-life insurance directive” means First Council Directive [73/239/EEC](#) on the coordination of laws, Regulations and administrative provisions relating to the taking-up and pursuit of the business of direct insurance other than life assurance<sup>(2)</sup>;

“the life assurance consolidation directive” means Directive [2002/83/EC](#) of the European Parliament and of the Council concerning life assurance<sup>(3)</sup>.

---

(1) [2006 c.46](#).

(2) O.J. L228, 16.8.1973, p.3. Article 6 of that directive was substituted by article 4 of Council Directive [92/49/EEC](#) (O.J. L228, 11.8.1992, p.1).

(3) O.J. L345, 19.12.2002, p.1.