

SCHEDULES

SCHEDULE 3

Section 56.

APPLICATION TO NORTHERN IRELAND

General modifications

- 1 For references to the Secretary of State there shall be substituted references to the Ministry of Commerce for Northern Ireland and for the words " he " and " him " referring to the Secretary of State wherever they occur there shall be substituted the words " the Ministry ".
- 2 For the words " the Act of 1967 " and the words " the Act of 1958 " there shall be substituted the words " the Act of 1968 ".

Authorisation of insurance companies

- 3 In section 1, in subsection (1), for the words from " 62 " to " 1967)" " there shall be substituted " 5 of the Insurance Companies Act (Northern Ireland) 1968 (hereafter referred to as " the Act of 1968)" " ; and in subsections (3) and (4) for " 62 " there shall be substituted " 5 ".
- 4 In section 2, in subsection (1) for " 61 " there shall be substituted " 4 " and in subsections (3) and (6) for " Great Britain " there shall be substituted " Northern Ireland ".

Accounts and statements

- 5 In section 3, in subsection (1) for the words from " 5 " to " 1958)" " there shall be substituted the words " 16 of the Act of 1968 " and in subsections (2) and (3) for " 5 " there shall be substituted " 16 ".
- 6 In section 4, in subsection (1) for " 8 " and " 9 " there shall be substituted respectively " 19 " and " 21 " ; in subsection (3) for " five " and " four " there shall be substituted respectively " four " and " three " ; in subsection (4)(b) for " 5 " there shall be substituted " 16 " ; subsection (5) shall be omitted ; and in subsection (6) for " 8 " and " (3) " there shall be substituted respectively " 19 " and " (4) ".
- 7 In section 5(4) for " Five " there shall be substituted " Four " and for " 7 " and " 8 " there shall be substituted respectively " 18 " and " 19 ".

Assets and liabilities attributable to long term business

- 8 In section 8(2) for " 5 " there shall be substituted " 16 ".
- 9 In section 9, in subsection (3)(b) for " London and Edinburgh Gazettes " there shall be substituted " Belfast Gazette " and in subsection (4) for " 5 " there shall be substituted " 16 ".

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- 10 In section 10(7), in the definitions of " company " and " equity share capital " for " 154(5) " there shall be substituted " 148(5) " and in those definitions and the definition of " share " for " 1948 " there shall be substituted " (Northern Ireland) 1960 ".

Powers of intervention

- 11 In section 12, in subsection (1)(b) and (c) the words "Part II of the Act of 1967 " shall be omitted ; in subsection (2) for " 13(1) " there shall be substituted " 25(1) " and for the words from " section 222 " to " 1948 " there shall be substituted " section 210 or 349 of the Companies Act (Northern Ireland) 1960 " ; and in subsection (4) for " 61 " there shall be substituted " 4 ".
- 12 In section 18, in subsection (3) for " 5 " there shall be substituted " 16 " ; and in subsection (4) for " Five " there shall be substituted " Four " and for " 5 " and " 8 " there shall be respectively substituted " 16 " and " 19 ".
- 13 In section 19(1) for "8" there shall be substituted " 19 ".
- 14 In section 20, in subsection (3) for the word " him " where it occurs for the second time there shall be substituted " the Ministry or that person " and in subsection (6) for " 1948 " there shall be substituted " (Northern Ireland) 1960 ".
- 15 In section 22, in subsection (1)(b) for the words from " Department " onwards there shall be substituted " Ministry appointed for the purpose " and in subsection (5) for " Great Britain " there shall be substituted " Northern Ireland ".
- 16 In section 23(1)(b) for the words from " Department " onwards there shall be substituted " Ministry appointed for the purpose ".
- 17 In section 24, in subsection (4) for " London and Edinburgh Gazettes " there shall be substituted " Belfast Gazette " ; in subsection (5)(b) for " Northern Ireland " there shall be substituted " Great Britain ", the word " appropriate " shall be omitted, for " 73(1) " there shall be substituted " 101(1) " and for " 1965 " there shall be substituted " (Northern Ireland) 1969 " ; in subsection (7) for " 71(1) " and " 1965 " there shall be respectively substituted " 97 " and " 1969 ", for the word " Treasury " there shall be substituted the words " Ministry of Commerce for Northern Ireland " and the word " appropriate " where it twice occurs shall be omitted.
- 18 In section 25, in subsection (1) for " 37(1) " there shall be substituted " 57(1) " and the words from " Part " to " 1967 " shall be omitted ; and in subsection (2) for " 37(1) " there shall be substituted " 57(1) ".

Transfers of long term business

- 19 In section 26, in subsection (3) for " London and Edinburgh Gazettes " and " Great Britain " there shall be substituted respectively " Belfast Gazette " and " Northern Ireland " ; in subsection (6) for " 61 " there shall be substituted " 4 " ; in subsection (7) for " 206 or 208 " there shall be substituted " 197 or 199 " and for " 1948 " there shall be substituted " (Northern Ireland) 1960 " ; in subsection (8) for the words from " England except " onwards there shall be substituted " Northern Ireland " ; in subsection (9) for " Northern Ireland " where it occurs for the first and second time there shall be substituted " Great Britain " and for the words " Northern Ireland " where they subsequently occur there shall be substituted " England or the Court of Session in Scotland " ; and in subsection (10) for " Great Britain " there shall be substituted " Northern Ireland ".

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20 In section 27, in subsection (3) for " 1948 ", " 56(4)" and "Act 1946 " there shall be substituted respectively " (Northern Ireland) 1960 ", " 27(4) " and " (No. 2) Act (Northern Ireland) 1946 " ; in subsection (4) for " 1948 " there shall be substituted " (Northern Ireland) 1960 " ; and after subsection (5) there shall be inserted the following subsection:—

“(6) Where a scheme is under section 26 of this Act in its application to Great Britain sanctioned by an order of the High Court of Justice in England or the Court of Session in Scotland and the transferee company carries on insurance business in Northern Ireland, that company shall, within ten days from the date on which the order is made or such longer period as the Ministry of Commerce for Northern Ireland may allow, deposit two office copies of the order with that Ministry.”.

Insolvency and winding up

21 In section 28, in subsection (1), for the words from " subsections (1) " to " 1958 " there shall be substituted the words " subsection (1) of section 25 of the Act of 1968 and subsection (4) of section 5 of that Act as applied by subsection (2) of the said section 25 " ; in subsections (2), (4), (5) and (6) for " 13 " there shall be substituted " 25 " ; in subsection (4) for " (3)" there shall be substituted " (5) " ; and in subsection (6) for the words " two hundred and twenty-two " there shall be substituted " 210 ", for " 1948 " where twice occurring there shall be substituted " (Northern Ireland) 1960 " and for " 222 and 399 " there shall be substituted " 210 and 349 " .

22 In section 29, in subsections (1) and (2) for the words " Companies Act 1948 " and " Act of 1948 " wherever they occur there shall be respectively substituted " Companies Act (Northern Ireland) 1960 " and " Act of 1960 " ; in subsection (2) for " 15 " there shall be substituted " 42 " and for the words " Northern Ireland " there shall be substituted " Great Britain " ; in paragraph (a) for " sections 222 and 223 " where they twice occur there shall be substituted " section 211 ", for " sections two hundred and twenty-two and two hundred and twenty-three" there shall be substituted " section 211 ", for " 399 " there shall be substituted " 349 " ; and in paragraph (b) the words from "Part II" to " 1967" shall be omitted; and for subsection (4) there shall be substituted the following subsection:—

“(4) At the end of section 317 of the Companies Act (Northern Ireland) 1960 there shall be added the words " and for determining the amount of the liabilities of an insurance company to policy holders of any class or description for the purpose of proof in a winding up and generally for carrying into effect the provisions of the Insurance Companies Act (Northern Ireland) 1968 and the Insurance Companies Amendment Act 1973 with respect to the winding up of insurance companies.”.

23 In section 30, in subsection (5) for the words from " the generality " to " 1948 " there shall be substituted " section 21 of the Interpretation Act (Northern Ireland) 1954 and section 317 of the Companies Act (Northern Ireland) 1960 rules of court ", in paragraph (b) for "319" and " 1948 " there shall be respectively substituted " 287 and " 1960 " ; subsection (6) shall be omitted and in subsection (7) for " 333(1)" and " 1948 " there shall be respectively substituted " 299(1) " and " 1960 " .

24 In section 31, for subsection (4) there shall be substituted:—

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“(4) A special manager appointed under subsection (3) above shall give such security and account in such manner as the Ministry of Commerce for Northern Ireland directs and shall receive such remuneration as may be fixed by the court.”;

and in subsection (7) for " 245(1)" and " 1948 " there shall be substituted respectively " 227(1)"; and " (Northern Ireland) 1960 ".

Valuation regulations

- 25 In section 32, in subsection (3) for the words from the beginning to " 1967 " there shall be substituted " Paragraph (a) of section 5(4) of the Act of 1968 and that paragraph as applied by section 25(2) of that Act ".

Changes of director, controller or manager

- 26 In sections 33(3)(b) and 34(2)(b), for the words from " Department " to the end there shall be substituted " Ministry appointed for the purpose ".

Miscellaneous

- 27 In section 36, in subsection (1) for " 8 " there shall be substituted " 19 " ; and in subsection (3) for " 76(1)" there shall be substituted " 19(7) ".
- 28 In section 37, in subsection (2) the words " Part II of " shall be omitted, in subsection (4) for " section 4 ", " section 5 ", " section 7 " and " section 13 " there shall be respectively substituted " section 15 " , " section 16 " , " section 18 " and " section 25 ".
- 29 In section 38(4) for " 4, 5, 7, 8, 9 and 13 " there shall be substituted " 15, 16, 18, 19, 21 and 25 ".
- 30 In section 39, subsections (1) and (2) shall be omitted ; in subsection (3) for the word " Commissioner " there shall be substituted " Industrial Assurance Commissioner for Northern Ireland " ; in subsection (5) for " 4 of " and " 5, 7 and 8 " there shall be substituted respectively " 15 of " and " 16, 18 and 19 ".
- 31 Section 40 shall be omitted.
- 32 In section 43(2) for the words " Great Britain " there shall be substituted the words " Northern Ireland ".
- 33 In section 44 for the words " Part II", " Secretary of State " and " section 59(6)" there shall be substituted respectively the words " section 3 " , " Ministry of Commerce for Northern Ireland " and " the definition of ' ordinary long-term insurance business ' in section 72(1)".
- 34 In section 46 for " 26 " and " 1889 " there shall be substituted respectively " 24 " and " (Northern Ireland) 1954 ".
- 35 In section 47 for the words "section 59(6)", "Part II" and " Secretary of State " there shall be substituted respectively the words " the definition of ' ordinary long-term insurance business ' in section 72(1) " , " section 3" and " Ministry of Commerce for Northern Ireland ".
- 36 In section 48 for " 13(1)", " 1958 " and "26(1) " there shall be substituted respectively " 12(1) " " (Northern Ireland) 1940 " and " 22(1)".

37 Sections 49 and 51 shall be omitted.

Supplementary

38 In section 52, in subsection (3)(b) after " 27(5)" there shall be inserted " or (6) " ; in subsection (4) for paragraph (a) there shall be substituted " (a) section 5(4), 18(4) or 39(3) above or section 19(1) or 20(1) of the Act of 1968 ; or " ; in subsection (7) for " 89 " , " 88 " , " 90 " and " 91 " there shall be respectively substituted " 64 " , " 63 " 65 " and " 66 " and the words " Part II of " where they twice occur shall be omitted ; and in subsection (8) for " 60(4), 84(2) and 85(1) " there shall be substituted " 3(3), 37(2) and 62 " .

39 In section 53, in subsection (1) for the words from the beginning to " Parliament) " there shall be substituted the words " Section 69 of the Act of 1968 (which provides that regulations for the purposes of that Act are to be made by the Ministry of Commerce for Northern Ireland and are to be subject to annulment in pursuance of a resolution of either House of the Parliament of Northern Ireland) " ; and for subsection (2) there shall be substituted—

“(2) No order shall be made under section 1 or 28 above unless a draft of it has been approved by resolution of each House of the Parliament of Northern Ireland.”

40 In section 54, in subsections (1) and (3) for " Schedule 1 " and " Schedule 2 " there shall be substituted respectively " Schedule 4 " and " Schedule 5 " ; subsection (2) shall be omitted ; in subsection (4) for " 65, 68 and 80 " and " 68 " there shall be respectively substituted " 8, 11 and 31 " and " 11 " and the words " and subsection (1) (f) of section 109 " and paragraph (c) shall be omitted; in subsection (5) for the words from " paragraph 10 " to " 1967 " there shall be substituted " section 24 of, or paragraph 5 of Schedule 2 to, the Act of 1968 " and for " 4(5) " , " 7(2) " and " 34(5) " there shall be respectively substituted " 15(5) " , " 18(2) " and " 69(3) " ; in subsection (6) for " 93 " there shall be substituted " 14(3) " ; subsection (7) shall be omitted ; and in subsection (8) for " 38 " and " 1889 " there shall be respectively substituted " 28 " and " (Northern Ireland) 1954 " .

41 In section 55, in subsection (1) for the definition of "the Act of 1958 " and " the Act of 1967 " there shall be substituted " ' the Act of 1968 ' means the Insurance Companies Act (Northern Ireland) 1968 " ; in the definition of " ordinary long-term insurance business " for " 59(6) " there shall be substituted " 72(1) " and after the definition of "long-term policy holder" there shall be inserted the following definition—

“" registrar of companies " has the meaning assigned to it by section 399(1) of the Companies Act (Northern Ireland) 1960;”

“(6) Except when the context otherwise requires, references in this Act to any other enactment including an enactment of the Parliament of Northern Ireland shall be construed as references to that enactment as amended by or under any subsequent such enactment including this Act.”

42 In section 57, subsection (2) shall be omitted; in subsection (4) for " 11 and 12 " and " 11 " there shall be respectively substituted " 40 and 41 " and " 40 " and the words " and the Act of 1967 " shall be omitted; in subsection (5) for " 17(2) and (3) " there shall be substituted " 44(2) and (3) " ; in subsection (6) for " 25 " there shall be substituted " 56 " ; and in subsection (7) for " 82 and 83 " in both places there shall be substituted " 22 and 23 " .

Status: This is the original version (as it was originally enacted).

43 Schedules 1 and 2 shall be omitted.