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Insurance Companies Act 1982 (repealed)

1982 CHAPTER 50

[^{F1}PART IIIA

PROVISION OF INSURANCE FROM ANOTHER MEMBER STATE]

[^{F1} Provision of insurance in the United Kingdom]

Textual Amendments

F1 Pt. IIIA (ss. 81A–81J) inserted by S.I. 1990/1333, reg. 10

81B Documents to be furnished to the Secretary of State.

- (1) An insurance company which intends to provide insurance in the United Kingdom shall send to the Secretary of State—
- (a) a certificate issued by the competent authorities of the member State in which the company's head office is situated attesting—
 - (i) that the company possesses for its activities as a whole the minimum solvency margin calculated in accordance with Articles 16 and 17 of the first general insurance Directive, and
 - (ii) that the company's authorisation in accordance with Article 7(1) of that Directive enables the company to operate outside its member State of establishment,
 - (b) a certificate issued by the competent authorities of the member State of the establishment through which the company intends to provide insurance in the United Kingdom, which—
 - (i) indicates the classes of insurance business which the company has been authorised to undertake through that establishment, and
 - (ii) states that the authorities do not object to the company providing insurance in the United Kingdom,

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- (c) a statement by the company of the nature of the risks which it proposes to cover in the United Kingdom, and
- (d) a notice stating the address of the company for the purpose of the service of documents under this Part;

and the company shall not provide insurance in the United Kingdom before the date certified as that on which those documents were received by the Secretary of State.

- (2) Where an insurance company wishes to provide insurance in the United Kingdom in respect of risks other than those mentioned in the statement given in accordance with subsection (1)(c), it shall give written notice to the Secretary of State amending that statement; and it shall not provide insurance in the United Kingdom in respect of such risks before the date certified as that on which written notice of the amendment was received by the Secretary of State.

[^{F2}81C Information to be given to policy holder.

- (1) Before entering into a contract for the provision of insurance in the United Kingdom, the insurance company shall inform the policy holder of the member State in which the establishment is situated through which the risk is to be covered; and any document issued to the policy holder by the company shall also contain that information.

The requirements of this subsection do not apply where the contract is for the coverage of large risks only.

- (2) An insurance company providing insurance in the United Kingdom shall ensure that—
 - (a) the address of the establishment through which the risk is or is to be covered, and
 - (b) the address of the company’s head office,
 are stated on any policy or other document under the terms of which insurance is granted, and on the insurance proposal if statements in the proposal bind the proposer.]

Textual Amendments

F2 Pt. IIIA (ss. 81A–81J) inserted by [S.I. 1990/1333](#), **reg. 10**

VALID FROM 19/11/1992

[^{F4}81CC^{F3} Additional requirements with respect to relevant motor vehicle risks.

- (1) An insurance company shall not provide insurance in the United Kingdom to cover relevant motor vehicle risks unless—
 - (a) it is a member of the Motor Insurers’ Bureau (being a company limited by guarantee and incorporated under the Companies Act 1929 on 14th June 1946); and
 - (b) it has appointed a claims representative who satisfies the requirements of subsections (2) to (6) below.
- (2) The claims representative must be a person who has been designated as the insurance company’s claims representative for the purposes of this section.
- (3) The claims representative must be authorised—

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- (a) to act on behalf of the insurance company and to represent, or to instruct others to represent, the insurance company in relation to any matters giving rise to relevant claims;
 - (b) to pay sums in settlement of relevant claims; and
 - (c) to accept service on behalf of the insurance company of proceedings in respect of relevant claims;
- but the authority must not extend to the settlement of relevant claims.
- (4) The claims representative must be authorised to represent the insurance company in any proceedings or enquiry to establish the existence or validity of a policy issued by the insurance company which covers or purports to cover relevant motor vehicle risks.
 - (5) Without prejudice to subsection (3) above, the claims representative must not act on behalf of the insurance company in the carrying on of its general business in the United Kingdom other than its reinsurance business, if any.
 - (6) The claims representative must—
 - (a) in the case of an individual, be resident in the United Kingdom;
 - (b) in the case of a corporation, have a place of business in the United Kingdom.
 - (7) In this section “relevant claim” means any claim which may be made against a policy issued by the insurance company to the extent that it covers relevant motor vehicle risks, whether or not submitted to the company and whether by a policyholder or by a third party having rights of action against the company or a policyholder or both.]

Textual Amendments

F3 S. 81CC inserted (19.11.1992) by S.I. 1992/2890, reg.7(6)

F4 S. 81B substituted for ss.81B-81J (1.7.1994) by S.I. 1994/1696, reg. 46(1)

[^{F5F6}81D Powers of intervention

- (1) Where it appears to the Secretary of State that an insurance company providing insurance in the United Kingdom has failed to comply with any provision of this Act, he may require it to take such steps as he may specify to comply with that provision.
- (2) If the company fails to comply with a requirement under subsection (1), the Secretary of State shall notify the competent authorities of the member State of establishment.
- (3) If such a company persists in contravening a provision of this Act which has been the subject of a requirement under subsection (1), the Secretary of State may, after informing the competent authorities of the member State of establishment, direct the company to cease to provide insurance, or insurance of any specified description, in the United Kingdom.
- (4) After giving such a direction, the Secretary of State shall by notice in writing inform the company of his reasons for doing so.
- (5) A direction under this section does not prevent the company from effecting a contract of insurance in pursuance of a term of a subsisting contract of insurance.

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- (6) A requirement or direction under this section may be varied or revoked by the Secretary of State.]

Textual Amendments

- F5** Pt. IIIA (ss. 81A–81J) inserted by S.I. 1990/1333, **reg. 10**
F6 S. 81B substituted for ss.81B-81J (1.7.1994) by S.I. 1994/1696, **reg. 46(1)**

[^{F7F8}81E Power to require information.

The Secretary of State may, for the purpose of facilitating the exercise by him of his functions under section 81D, require an insurance company providing insurance in the United Kingdom to furnish him, at specified times or intervals, with information about such matters as he may specify being, if he so requires, information verified in a specified manner.]

Textual Amendments

- F7** Pt. IIIA (ss. 81A–81J) inserted by S.I. 1990/1333, **reg. 10**
F8 S. 81B substituted for ss.81B-81J (1.7.1994) by S.I. 1994/1696, **reg. 46(1)**

[^{F9}81F Withdrawal of authorisation.

- (1) Where an insurance company is providing insurance in the United Kingdom and the Secretary of State is notified by the competent authorities of the member State of establishment, or of the company's head office, that the authorisation of the company has been withdrawn in accordance with Article 22 of the first general insurance Directive, he may direct the company to cease to provide insurance, or insurance of any specified description, in the United Kingdom through all, or any specified, establishments.
- (2) After giving such a direction, the Secretary of State shall by notice in writing inform the company of his reasons for doing so.
- (3) A direction under this section does not prevent the company from effecting a contract of insurance in pursuance of a term of a subsisting contract of insurance.]

Textual Amendments

- F9** Pt. IIIA (ss. 81A–81J) inserted by S.I. 1990/1333, **reg. 10**

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