
STATUTORY INSTRUMENTS

1992 No. 2890

The Insurance Companies (Amendment) Regulations 1992

Amendments of 1982 Act

Provision of insurance from another member State

7.—(1) Part IIIA of the 1982 Act⁽¹⁾ (provision of insurance from another member State) shall be amended as follows.

(2) In subsection (4) (risks to which Part IIIA applies) of section 81A (introductory provisions)—

- (a) omit the second and third paragraphs, that is to say, those relating to classes 10 and 12; and
- (b) at the end insert the words “and references in this Part to relevant motor vehicle risks are to risks (other than carrier’s liability) falling within class 10 of that Schedule (motor vehicle liability)”.

(3) In subsection (1) of section 81B (provision of insurance in the United Kingdom: documents to be furnished to the Secretary of State), omit the word “and” immediately following paragraph (c) and after paragraph (d) insert “and

(e) in the case of an insurance company which intends to provide insurance to cover relevant motor vehicle risks—

- (i) a notice stating the name and address of the claims representative; and
- (ii) a declaration that the insurance company has become a member of the Motor Insurers' Bureau (being a company limited by guarantee and incorporated under the Companies Act 1929 on 14th June 1946);”.

(4) After that subsection insert—

“(1A) The insurance company shall notify the Secretary of State in writing of—

- (a) any change of address of the company for the purpose of the service of documents; and
- (b) where it provides insurance to cover relevant motor vehicle risks, any change of name or address of the claims representative,

before the expiration of the period of one month beginning with the day on which the change occurred.”.

(5) In subsection (2) of section 81C (information to be given to policyholder), after paragraph (b) insert “and

(c) where the insurance relates to relevant motor vehicle risks, the name and address of the claims representative;”.

(6) After section 81C insert—

(1) Part IIIA was inserted by [S.I. 1990/1333](#), reg. 10.

“Additional requirements with respect to relevant motor vehicle risks.

81CC.—(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—

- (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.”.