

SCHEDULE 8

MINOR AND CONSEQUENTIAL AMENDMENTS

Policyholders Protection Act 1975 (c. 75)

5.—(1) Section 3(2) of the Policyholders Protection Act 1975⁽¹⁾ (authorised insurance companies) shall have effect as if the reference to being authorised under section 3 or 4 of the Insurance Companies Act 1982 to carry on insurance business of any class in the United Kingdom included a reference to being an EC company which is lawfully carrying on insurance business of any class in the United Kingdom.

(2) After subsection (2) of section 21 of that Act (levies on authorised insurance companies) insert—

“(2A) The Board may, with the consent of the Secretary of State, waive (in whole or in part) any levy imposed under subsection (1) or (2) above on an EC company if it considers it appropriate to do so, having regard to the extent to which provision is made for the indemnification of qualifying policyholders—

- (a) under the law of the member State in which the head office of the EC company is situated; or
- (b) by virtue of any arrangements which are in force in that State.

(2B) In subsection (2A) above—

‘EC company’ has the same meaning as in the Insurance Companies Act 1982;

‘qualifying policyholder’ means a policyholder who is eligible for the assistance or protection of the Board in accordance with any provision of sections 6 to 16 above.”

⁽¹⁾ Section 3(2) has been amended by the Insurance Companies Act 1980 (c. 25), section 4 and Schedules 3 and 5, the Insurance Companies Act 1981 (c. 31), section 36 and Schedule 4 and the Insurance Companies Act 1982 (c. 50), section 99(2) and Schedule 5.