
STATUTORY INSTRUMENTS

2008 No. 565

**The Insurance Accounts Directive (Miscellaneous
Insurance Undertakings) Regulations 2008**

PART 3

AUDITORS

Penalties for non-compliance (notification of appropriate audit authority)

- 12.**—(1) If an auditor fails to comply with regulation 10, an offence is committed by—
- (a) the auditor, and
 - (b) if the auditor is a firm, every officer of the firm who is in default.
- (2) If an insurance undertaking fails to comply with regulation 11, an offence is committed by—
- (a) the insurance undertaking, and
 - (b) every director of the insurance undertaking who is in default.
- (3) Where the affairs of an insurance undertaking are managed by its members, any reference in this regulation to a director of the insurance undertaking shall be read as referring to a member of the undertaking.
- (4) In proceedings for an offence under this section it is a defence for the person charged to show that he took all reasonable steps and exercised all due diligence to avoid the commission of the offence.
- (5) A person guilty of an offence under this regulation is liable—
- (a) on conviction on indictment, to a fine, and
 - (b) on summary conviction, to a fine not exceeding the statutory maximum.
- (6) Sections 1121 (liability of officer in default), 1122 (liability of company as officer in default), 1123 (application to bodies other than companies) and 1130 (proceedings against unincorporated bodies) of the Companies Act 2006 apply to an offence under paragraphs (1) and (2) as they apply to an offence under section 519 of that Act (statement by auditor to be deposited with company).