

INSURANCE (AMENDMENT) ACT 2004

Chapter 3

Arrangement of Sections

Section

PART 1

THE SUPERVISOR AND THE INSURANCE AND PENSIONS AUTHORITY

1. The Supervisor.
2. The Insurance and Pensions Authority.
3. Distribution of functions.

PART 2

ABOLITION OF INSURABLE INTEREST IN LIFE ASSURANCE CONTRACTS

4. Insurable interest : life assurance contracts.
5. Insurable interest : exception orders.
6. Insurable interests : supplementary.

PART 3

SUPERVISORY POWERS

7. Directors, controllers, etc.
8. Investigations.
9. Civil penalties.
10. Information.
11. Public statements.
12. Guidance Notes.

PART 4

MISCELLANEOUS AMENDMENTS

13. Insurance managers.
14. Statutory indemnity.
15. Review of decisions.
- 16 1986 Act : general interpretation.

17. Winding up.
18. Regulations.
19. Bodies that may be authorised to carry on insurance business.

PART 5

INSURANCE INTERMEDIARIES

20. Insurance Intermediaries : definition of “general insurance business”.
21. Insurance Intermediaries : review of decisions.
22. Insurance Intermediaries : winding up.
23. Advertisements : insurance intermediaries.

PART 6

SUPPLEMENTARY

24. Interpretation.
25. Amendments and repeals.
26. Short title and commencement.

Schedules –

Schedule 1 - Distribution of functions between the Supervisor and the Authority.

Schedule 2 - Amendment of Retirement Benefits Schemes Act 2000.

Schedule 3 – Consequential and minor repeals.



Signed in Tynwald: 16th March 2004
Received Royal Assent: 17th March 2004
Announced to Tynwald: 17th March 2004
Passed: 17th March 2004

AN ACT

to make further provision with respect to the distribution of functions between the Insurance and Pensions Authority and of the Supervisor; to amend supervisory powers; to amend the Insurance Act 1986, the Retirement Benefits Schemes Act 2000 and the Insurance Intermediaries (General Business) Act 1996; and for connected purposes.

WE, your Majesty's most dutiful and loyal subjects, the Council and Keys of the said Isle, do humbly beseech your Majesty that it may be enacted, and be it enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Council and Keys in Tynwald assembled, and by the authority of the same, as follows (that is to say):—

PART 1

THE SUPERVISOR AND THE INSURANCE AND PENSIONS AUTHORITY

The Supervisor.

1. (1) The Insurance Act 1986 [c.24] ("the 1986 Act") is amended in accordance with this section.
 - (2) For section 2 substitute –
"Insurance Supervisor
2. Subject to section 2A of this Act (Supervisor's functions) and paragraphs 3A and 4 of Schedule 1 to the

Insurance (Amendment) Act 2004

Retirement Benefits Schemes Act 2000 [c.14] (Authority's functions), the Supervisor –

- (a) is charged with the general administration of this Act, the Retirement Benefits Schemes Act 2000 and the Insurance Intermediaries (General Business) Act 1996 [c.4]; and
- (b) shall exercise such other functions as are conferred on the Supervisor by any enactment.”.

(3) After section 2 insert –

“Exercise of the Supervisor’s functions.

2A. (1) The functions of the Supervisor shall, so far as is reasonably possible, be exercised in a way –

- (a) which is compatible with the regulatory objectives set out in subsection (2); and
- (b) which the Supervisor considers most appropriate for the purpose of meeting those objectives.

(2) The regulatory objectives are –

- (a) securing an appropriate degree of protection for policyholders;
- (b) the maintenance of confidence in the Island's insurance industry in the Island and elsewhere; and
- (c) the reduction in the extent to which it is possible for any insurance business to be used for a purpose connected with financial crime.

(3) In exercising functions the Supervisor shall have regard to –

- (a) the need to balance the regulatory objectives;
- (b) the international character of the insurance industry and its markets and

Insurance (Amendment) Act 2004

- the desirability of maintaining the competitive position of the Island;
- (c) the responsibilities of insurers;
- (d) the need to use resources in an efficient and economic manner;
- (e) the need to promote public understanding of the insurance industry; and
- (f) the desirability of insurers –
 - (i) being aware of the risk of their businesses being used in connection with the commission of financial crime;
 - (ii) taking appropriate measures (in relation to their administration and employment practices, the conduct of transactions by them and otherwise) to prevent financial crime, facilitate its detection and monitor its incidence; and
 - (iii) devoting adequate resources to the matters mentioned in subparagraph (ii).

(4) This section shall also apply in respect of the exercise by the Supervisor of functions under the Insurance Intermediaries (General Business) Act 1996 [c.4] and the Retirement Benefits Schemes Act 2000 [c.14] as it applies in respect of functions under this Act, and the references to “policyholder”, “insurance industry”, “insurance business” and “insurers” shall be construed accordingly.”.

The Insurance and Pensions Authority.

2. In Schedule 1 to the Retirement Benefits Schemes Act 2000 [c.14]
(constitution of the Insurance and Pensions Authority) –

- (a) immediately before paragraph 4 (directions to Supervisor) insert –
 - “3A. The IPA's general functions are –
 - (a) the making of public documents under this Act, the Insurance Act 1986 and the Insurance Intermediaries (General Business) Act 1996 (“the Acts”);
 - (b) supervising and keeping under review the administration and implementation of the Acts;
 - (c) supervising and keeping under review the exercise of functions by the Supervisor under the Acts;
 - (d) keeping under review the question whether the Supervisor is, in exercising his functions under the Acts, using resources in an efficient and economic manner;
 - (e) considering and making recommendations or issuing directions to the Supervisor as a result of –
 - (i) reviews carried out by it; or
 - (ii) reports made to it by the Supervisor;
 - (f) otherwise giving guidance and directions to the Supervisor;
 - (g) determining the general policy and principles by reference to which it performs particular functions.”;
- (b) in paragraph 6 (absence of chief executive), for “the IPA may exercise” substitute “the IPA shall appoint a

person who may, during such absence or inability, exercise”.

Distribution of functions.

3. The provisions of the Insurance Act 1986 [c.24] specified in Schedule 1 (functions of the Supervisor and the Authority) have effect subject to the amendments set out in that Schedule.

PART 2

**ABOLITION OF INSURABLE INTEREST IN LIFE ASSURANCE
CONTRACTS**

Insurable interest : life assurance contracts.

4. (1) This section applies in respect of all assurance contracts, whether entered into before this section comes into operation or after this section comes into operation.

(2) An assurance contract is not void or illegal nor is to be treated as ever having been void or illegal by reason only that the policy holder did not, at the time the contract was entered into, have an insurable interest in the subject of the contract.

(3) Subsection (2) is subject to orders under section 5.

Insurable interest : exception orders.

5. (1) The Authority may by order prescribe assurance contracts and classes of such contracts to which section 4 does not apply and which, accordingly, may be treated as void and illegal by reason that the policyholder did not have, at the time the contract was entered into, a specified insurable interest in the subject of the contract.

(2) An order under subsection (1) shall not have effect in respect of any contract entered into before the date on which the order comes into operation.

(3) Before making an order under subsection (1), the Authority shall consult with the Isle of Man Office of Fair Trading and such bodies as

appear to the Authority to be representative of assurers likely to be affected by the order.

(4) An order under subsection (1) shall not come into operation unless it is approved by Tynwald.

Insurable interest : supplementary.

6. (1) Notwithstanding section 4, a policy holder under an existing contract and any other person having any interest in any sum falling due under an existing contract shall, in addition to any rights or remedies available as a result of the operation of that section, continue to have the same rights and remedies arising under or in respect of the existing contract as they would have had if that section had not been passed.

(2) In this Part –

“assurance contract” means a contract under which is assured or secured the payment of any money out of the funds of an assurer on the happening of any contingency depending on the duration of human life;

“assurer” means any company that carries on the business of assuring lives or survivorships;

“contract” includes purported contract;

“existing contract” means an assurance contract entered into before the commencement of section 4;

“policy holder” includes an insured person and any person on whose behalf an insurance contract is made.

PART 3

SUPERVISORY POWERS

Directors, controllers, etc.

7. For section 20 of the 1986 Act, substitute –

“Directors, controllers, auditors, etc.

20. (1) No authorised insurer shall appoint a person as director, chief executive, auditor or manager of that insurer, nor shall a person become controller of, or insurance manager for,

Insurance (Amendment) Act 2004

an authorised insurer, unless a written notice containing such particulars as may be prescribed is served on the Supervisor by

–

- (a) in the case of a director, chief executive, auditor or manager, the insurer; or
- (b) in the case of a controller or insurance manager, the proposed controller or manager,

not less than 28 days before the event or such shorter period as the Supervisor may agree in writing.

(2) If it appears to the Supervisor that any individual is not a fit and proper person –

- (a) to be appointed as a director, chief executive, auditor or manager; or
- (b) to become a controller or insurance manager;

of an authorised insurer or an authorised insurer of any specified description, the Supervisor may direct that the individual shall not, without the written consent of the Supervisor, be appointed as such a director, chief executive, auditor or manager nor become such a controller or insurance manager.

(3) If it appears to the Supervisor that any –

- (a) director, chief executive, auditor or manager; or
- (b) controller or insurance manager,

of an authorised insurer or an authorised insurer of any specified description, is not a fit and proper person to continue as such, the Supervisor may direct that the individual shall not, without the written consent of the Supervisor, continue as such a director, chief executive, auditor, manager, insurance manager or controller.

(4) The Supervisor shall give written notice to the individual concerned of any decision to make a direction under

Insurance (Amendment) Act 2004

this section and, except where the Supervisor is satisfied that urgent action is necessary, the notice shall be served on the individual not less than 28 days before the date on which the direction is to take effect.

(5) Any consent by the Supervisor under subsection (2) or (3) may be –

- (a) given subject to conditions;
- (b) varied from time to time; and
- (c) revoked at any time,

and the Supervisor shall give written notice to the individual concerned of any decision to exercise the powers conferred by paragraph (a), (b) or (c).

(6) Any individual who –

- (a) accepts or continues in any appointment referred to in subsection (2)(a) or (3)(a);
or
- (b) becomes or continues as a controller or insurance manager,

in contravention of a direction under this section shall be guilty of an offence.

(7) It is the duty of an authorised insurer to take care not to appoint or continue the appointment of an individual in contravention of a direction under this section.

(8) In this section –

“manager” means (except in relation to references to an insurance manager) an individual employed by the insurer concerned who, under the immediate authority of a director or its chief executive –

- (a) exercises managerial functions;
or

(b) is responsible for maintaining the accounts or other records of the insurer.

(9) This section is additional to and not in derogation of any other enactment relating to the qualifications, appointment or removal of auditors.”.

Investigations.

8. For sections 21 and 22 of the 1986 Act substitute –

“Inspection and investigation.

21. (1) The Supervisor may inspect the books, accounts and documents and investigate the transactions of –

- (a) an insurer;
- (b) a former insurer;
- (c) a person who is suspected by the Supervisor of carrying on, or to have carried on, insurance business contrary to section 3;
- (d) a person who appears to be carrying on, or to have carried on, insurance business; or
- (e) any person specified in paragraphs (a) to (f) of section 22C(2),

if, on reasonable grounds, it appears to the Supervisor necessary for the performance of his or the Authority’s functions under this Act.

(2) The Supervisor shall have every such power of entry and access as may be necessary for the purposes of subsection (1), and he may take possession of all such books, accounts and documents as, and for so long as, may be necessary for those purposes.

(3) The Supervisor may take copies of all books, accounts and documents in his possession for the purposes of an inspection and investigation under this section.

(4) Any person who intentionally obstructs the Supervisor when acting in the execution of his powers under subsection (1), (2) or (3) shall be guilty of an offence.

(5) The Supervisor shall exercise his right of entry and access under subsection (2) only during such hours as are reasonable in the circumstances.

Requests for information.

22. (1) The Supervisor may request any person specified in paragraphs (a) to (e) of section 21(1) (“the requested person”) to provide the Supervisor with any information if, on reasonable grounds, it appears to the Supervisor necessary for the performance of his or the Authority’s functions under this Act and may require such information to be verified in such manner as he directs.

(2) The Supervisor may issue directions to a requested person to secure that effect is given to a request under subsection (1) and the directions shall include a statement of reasons for their issue.

(3) If the Supervisor has issued a direction under subsection (2) and the requested person has failed to furnish the information, the Supervisor may direct the actuary, auditor, insurance manager or banker (as the case requires) of that person to furnish such relevant information as is within their knowledge.

(4) Any person who fails to furnish information when directed to do so under subsection (2) or (3), is guilty of an offence.

(5) In any criminal proceedings (except proceedings alleging contravention of section 30), information furnished in response to a direction issued under subsection (2) or (3) may not be used in evidence against the person furnishing it.

Attendance before the Supervisor : justice's authorisation.

22A. (1) Where, on an application made by the Supervisor, a justice of the peace is satisfied that there is good reason to do so for the purpose of investigating the affairs, or any aspect of the affairs, of any requested person so far as is necessary for the performance of the Supervisor's or the Authority's functions under this Act, the justice may by written instrument, authorise the Supervisor to exercise the powers under this section and such powers shall not otherwise be exercisable.

(2) The Supervisor may by notice in writing, accompanied by a copy of the instrument issued by the justice of the peace under subsection (1), require the person whose affairs are to be investigated or any other person whom he has reason to believe has relevant information to attend before the Supervisor at a specified time and place to answer questions or otherwise furnish information with respect to any matter relevant to the investigation.

(3) The Supervisor may by notice in writing, accompanied by a copy of the instrument issued by the justice of the peace under subsection (1), require any person to produce at a specified time and place any specified documents or copies of documents which appear to the Supervisor to relate to any matter relevant to the investigation or any documents of a specified class which appear to him so to relate.

(4) If documents or copies of documents are not produced as required under subsection (3), the Supervisor may require the person who was required to produce them to state, to the best of his knowledge and belief, where they are.

(5) Where any documents are produced as required under subsection (3), the Supervisor may –

- (a) take possession of all such documents for so long as may be necessary; or
- (b) take copies or extracts from them; or

Insurance (Amendment) Act 2004

- (c) require the person producing them to provide an explanation of any of them.

(6) In any criminal proceedings (except proceedings alleging contravention of section 30), a statement by a person in response to a requirement imposed under this section may not be used in evidence against the person furnishing it.

(7) Any person who without reasonable excuse fails to comply with a requirement imposed on him under this section shall be guilty of an offence.

Deemster's search warrant.

22B. (1) Where, on information on oath laid by the Supervisor, a Deemster is satisfied, in relation to any documents, that there are reasonable grounds for believing –

- (a) that –
 - (i) a person has failed to comply with an obligation under section 22 or 22A to produce them or copies of them; or
 - (ii) it is not practicable to serve a request or direction under section 22 or a notice under section 22A(3) in relation to them; or
 - (iii) the service of such a request, direction or notice in relation to them might seriously prejudice the investigation; and
- (b) that they are on premises specified in the information,

he may issue such a warrant as is mentioned in subsection (2).

(2) The warrant referred to in subsection (1) is a warrant authorising any person named in the warrant –

Insurance (Amendment) Act 2004

- (a) to enter (using such force as is reasonably necessary for the purpose) and search the premises; and
- (b) to take possession of any documents appearing to be documents of the description specified in the information, or to take in relation to any documents so appearing any other steps which may appear to be necessary for preserving them and preventing interference with them.

(3) If, during the course of a search of premises for documents of a description specified in the information, other documents are discovered which appear to contain evidence in relation to the functions of the Supervisor or the Authority under this Act, the Insurance Intermediaries (General Business) Act 1996 [c.4] or the Retirement Benefits Schemes Act 2000 [c.14], the person named in the warrant may –

- (a) take possession of those documents, or
- (b) take in relation to them any other steps which may appear to be necessary for preserving them and preventing interference with them.

(4) A person executing a warrant issued under subsection (1) shall be accompanied by a constable.

Sections 21 to 22B : supplementary.

22C. (1) In sections 22 to 22B and this section, “requested person” means any person specified in paragraphs (a) to (e) of section 21(1).

(2) The persons referred to in section 21(1)(e) are

–

Insurance (Amendment) Act 2004

- (a) a controller of a person specified in paragraphs (a) to (c) in section 21(1) (“the insurer concerned”);
- (b) any associate or former associate of the insurer concerned;
- (c) any body corporate in the case of which a controller of the insurer concerned, either alone or with any associate or associates, is entitled to exercise, or control the exercise of, more than 50 per cent of the voting power at a general meeting;
- (d) any partnership of which the insurer concerned or its controller is or has at any relevant time been a member;
- (e) customers or former customers of the insurer concerned;
- (f) any other person with whom the insurer concerned has formed a business relationship whether or not that other person is carrying out a business.

(3) The powers under sections 21 and 22B may be exercised in respect of a former insurer either –

- (a) in respect of, or in connection with, such transactions, matters or circumstances as occurred or existed when it was an insurer; or
- (b) in respect of, or in connection with, transactions, matters or circumstances that are connected with the former insurance business.

(4) Sections 21 to 22B do not oblige any person to disclose any information or items that are subject to legal

privilege within the meaning of section 13 of the Police Powers and Procedures Act 1998 [c.9].

(5) In sections 21 to 22B every reference to the Supervisor shall include any person authorised by the Supervisor in writing for the purposes of those sections and any person authorised by the Supervisor shall, in the exercise of any power under those sections, produce his written appointment if required to do so.

(6) In sections 21 to 22B, “document” includes information recorded in any form and, in relation to information recorded otherwise than in legible form, references to its production include references to producing a copy of the information in legible form.

(7) Where a person claims a lien on a document, its production under sections 21 to 22B is without prejudice to the lien.

Use of powers for the benefit of other authorities, etc.

22D. (1) The powers conferred on the Supervisor by sections 21 to 22B may be exercised for the purpose of –

- (a) enabling or assisting a recognised regulator to discharge its functions;
- (b) enabling or assisting the Department of Health and Social Security to discharge its functions in relation to occupational and personal pension schemes;
- (c) enabling or assisting the Treasury and the Assessor of Income Tax to discharge their functions in relation to income tax;
- (d) enabling or assisting a person or an Authority (whether a governmental or private body) in a country or territory outside the Island –

Insurance (Amendment) Act 2004

- (i) to exercise functions corresponding to any of those of the Authority or the Supervisor under this Act or any other enactment;
 - (ii) to exercise functions corresponding to any of those of the Financial Supervision Commission under any enactment; or
 - (iii) to exercise functions relating to financial crime;
- (e) any criminal proceedings whatever which have been or may be initiated, whether in the Island or elsewhere;
 - (f) the initiation or bringing to an end of any such investigation or proceedings;
 - (g) facilitating a determination of whether any such investigation or proceedings should be initiated or brought to an end; or
 - (h) any criminal investigation whatever which is being or may be carried out, whether in the Island or elsewhere.

(2) Subject to subsection (3), the powers conferred on the Supervisor by sections 21 to 22B may be exercised for the purpose of enabling or assisting any public or other Authority in the Island or elsewhere for the time being designated for the purposes of this section by an order made by the Treasury to discharge any functions which are specified in the order.

(3) An order under subsection (2) designating an Authority for the purposes of that subsection may –

Insurance (Amendment) Act 2004

- (a) impose conditions subject to which the disclosure of information is permitted by that subsection;
- (b) require the imposition on the recipient of the information of conditions –
 - (i) precluding disclosure of the information by him; or
 - (ii) limiting the use or disclosure of the information by him; and
- (c) otherwise restrict the circumstances in which that subsection permits disclosure.

Expenses of investigation.

22E. (1) An insurer shall, as required by the Supervisor, pay the whole or a proportion of any reasonable expenses incurred by the Supervisor or the Authority in respect of –

- (a) an inspection or investigation of the insurer; or
- (b) the exercise of any of the powers conferred by sections 21 to 22C in respect of the insurer.

(2) The Supervisor may make a requirement under subsection (1) only if the Supervisor is of the opinion that the inspection, investigation or exercise was necessitated by the act or default of the insurer.

(3) Any sums to be paid pursuant to a requirement under subsection (1) shall be recoverable by the Supervisor as a civil debt and shall be paid into and form part of the General Revenue.

Residual power to impose requirements.

22F. (1) The Supervisor may require an insurer to take such action as appears to the Supervisor to be necessary to fulfil the regulatory objectives set out in section 2A(2) and, but without prejudice to the generality of that power –

Insurance (Amendment) Act 2004

- (a) for the purpose of protecting policy holders or potential policy holders of the insurer against the risk that the insurer may be unable to meet its liabilities;
- (b) in the case of long term business, to fulfil the reasonable expectations of policy holders or potential policy holders; or
- (c) for the purpose of ensuring that the criteria of sound and prudent management are fulfilled with respect to the insurer.

(2) Any person who makes default in complying with a requirement imposed under this section shall be guilty of an offence.

(3) The power to make a requirement under this section is additional to the provisions of this Act, any public document under it and any powers of the Supervisor under this Act.”.

Civil penalties.

9. After section 22F of the 1986 Act insert –

“Civil penalties.

22G. (1) A penalty of such amount as the Supervisor considers appropriate may be imposed on –

- (a) an authorised insurer;
- (b) a person who is the holder of a permit issued under section 25;
- (c) any person who is, or carries on any class of insurance business that is, exempted by regulations;
- (d) an insurance manager,

Insurance (Amendment) Act 2004

by the Supervisor if he considers that the person has acted in contravention of a requirement imposed on him by or under this Act.

(2) If a penalty is imposed under subsection (1) and the Supervisor considers that the relevant contravention was caused or permitted by a controller, director, chief executive or senior manager of the person on whom the penalty is imposed, the Supervisor may in addition impose a penalty of such amount as the Supervisor considers appropriate on the controller, director, chief executive or senior manager.

(3) A penalty shall be of such amount as the Supervisor considers appropriate.

(4) Where the Supervisor intends to impose a penalty, he shall give notice in writing to the person concerned giving particulars of the alleged contravention, the amount of the penalty and the reasons for the decision.

(5) If the person concerned does not apply for a review under section 29B within the time prescribed under subsection (3) of that section, the penalty shall be paid to the Treasury within 14 days of the expiry of that period.

(6) If the person concerned does apply for a review under section 29B and on the determination of the review a penalty of any amount is payable, that penalty shall be paid to the Treasury within 14 days of the determination of the review.

(7) Where a permitted person fails to pay the penalty, it may be collected by the Treasury as a civil debt due to it.

(8) Any amount received in respect of a penalty levied under this section shall be paid into and form part of the General Revenue.

(9) This section is in addition to and not in derogation of any other provision of this Act that confers a power or provides for a contravention to be an offence.

(10) In this section, "senior manager means –

Insurance (Amendment) Act 2004

- (a) an employee of the insurer who, jointly with the chief executive, is responsible under the immediate authority of the directors for the conduct of the whole of the insurance business of the insurer;
- (b) an employee of the insurer who, either alone or jointly with others, is responsible under the immediate authority of the directors for the conduct of any other aspect of the business of the insurer (for example finance, marketing or compliance);
- (c) an employee of the insurer, the controller of that insurer or an associate of that insurer, who is under the immediate authority of the controller or the directors of an associate, and, either alone or jointly with others, is responsible for the conduct of any such aspect of the business of the insurer.”.

Information.

- 10.** (1) After section 23 of the 1986 Act insert –

“Restrictions on disclosure of information.

23A. (1) Subject to section 24, information which is restricted information for the purposes of this section and relates to the business or other affairs of any person shall not be disclosed by a person mentioned in subsection (3) (“the primary recipient”) or any person obtaining the information directly or indirectly from him without the consent of the person from whom the primary recipient obtained the information and if different, the person to whom it relates.

Insurance (Amendment) Act 2004

(2) Subject to subsection (4), information is restricted information for the purposes of this section if it is obtained by the primary recipient for the purposes of, or in the discharge of his functions under, this Act or any public document made under this Act (whether or not by virtue of any requirement to supply it made under those provisions).

- (3) The persons mentioned in subsection (1) are –
- (a) the Treasury and its members;
 - (b) the Authority and its members;
 - (c) the Supervisor;
 - (d) any officer or servant of the Treasury, the Authority or the Supervisor.

(4) Information shall not be treated as restricted information for the purposes of this section if it has been made available to the public by virtue of being disclosed in any circumstances in which or for any purpose for which disclosure is not precluded by this section.

(5) Any person who contravenes this section is guilty of an offence.”.

- (2) For section 24 of the 1986 Act substitute –

“Exceptions from restrictions on disclosure

24. (1) Section 23A does not preclude the disclosure of information –

- (a) for the purposes of any criminal proceedings whatever which have been or may be initiated, whether in the Island or elsewhere;
- (b) for the purposes of the initiation or bringing to an end of any such investigation or proceedings;

Insurance (Amendment) Act 2004

- (c) for the purpose of facilitating a determination of whether any such investigation or proceedings should be initiated or brought to an end;
- (d) for the purposes of any criminal investigation whatever which is being or may be carried out, whether in the Island or elsewhere;
- (e) with a view to the institution of or otherwise for the purposes of any civil proceedings arising under or by virtue of this Act, the Retirement Benefits Schemes Act 2000 [c.14] or the Insurance Intermediaries (General Business) Act 1996 [c.4];
- (f) for the purpose of enabling or assisting the Authority, the Supervisor, the Financial Supervision Commission or the Treasury to discharge their respective functions under this Act or any other enactment;
- (g) in respect of a person who provides services to the Treasury, the Authority or the Supervisor in the discharge of their respective functions under this Act, for the purpose of enabling or assisting that person to provide those services;
- (h) for the purpose of enabling or assisting the Isle of Man Office of Fair Trading to discharge its functions under section 21B of the Financial Supervision Act 1988 (c.16) (conciliation in disputes over financial services);

Insurance (Amendment) Act 2004

- (i) for the purpose of enabling or assisting any adjudicator appointed under section 21B of the Financial Supervision Act 1988 (investigation and adjudication in disputes over financial services) to discharge his functions;
- (j) for the purpose of enabling or assisting the Department of Health and Social Security to discharge its functions in relation to occupational and personal pension schemes;
- (k) for the purpose of enabling or assisting the Assessor of Income Tax to discharge his functions under enactments relating to taxes;
- (l) for the purpose of enabling or assisting any inspector appointed under enactments relating to companies or insider dealing to discharge his functions;
- (m) for the purpose of enabling or assisting the body administering a compensation scheme under section 21 of the Financial Supervision Act 1988 to discharge its functions under the scheme;
- (n) for the purpose of enabling or assisting an official receiver, a liquidator or a trustee in bankruptcy (in the Island) to discharge his functions under enactments relating to insolvency, bankruptcy or the winding up of companies;
- (o) for the purpose of the institution of, or otherwise for the purposes of, any disciplinary proceedings (whether in the

Insurance (Amendment) Act 2004

Island or elsewhere) relating to the exercise of professional duties by a lawyer, auditor, accountant, valuer, estate agent or actuary;

- (p) for the purpose of enabling or assisting any person appointed or authorised to exercise any powers under section 34 of the Retirement Benefits Schemes Act 2000 to discharge his functions;
- (q) for the purpose of enabling or assisting any person appointed or authorised under section 22C(5) of this Act, section 9(1) of the Insurance Intermediaries (General Business) Act 1996 or section 26(5) of the Retirement Benefits Schemes Act 2000 to discharge his functions;
- (r) for the purpose of enabling or assisting an auditor of an insurer, insurance manager, insurance intermediary, retirement benefits scheme or retirement benefits scheme administrator to discharge his functions;
- (s) if the information is or has been available to the public from other sources; or
- (t) in a summary or collection of information framed in such a way as not to enable the identity of any person to whom the information relates to be ascertained.

(2) Section 23A shall not preclude the disclosure of information –

- (a) to a recognised regulator; or

Insurance (Amendment) Act 2004

- (b) for the purpose of enabling or assisting a person or an Authority (whether a governmental or private body) in a country or territory outside the Island –
 - (i) to exercise functions in connection with rules of law corresponding to the enactments relating to insider dealing;
 - (ii) to exercise functions corresponding to any of those of the Authority or the Supervisor under this Act or any other enactment;
 - (iii) to exercise functions corresponding to any of those of the Financial Supervision Commission under any enactment.

(3) In subsection (2), “recognised regulator” means a person or an Authority (whether a governmental or private body) and whether in the Island or in a country or territory outside the Island exercising, whether by law or by the rules of the body, –

- (a) functions corresponding to the Authority or the Supervisor, under this Act or any other enactment; or
- (b) functions corresponding to the Financial Supervision Commission under any enactment; or
- (c) functions which include the supervision –
 - (i) of persons carrying on business in the financial services industry, or in similar businesses; or

Insurance (Amendment) Act 2004

- (i) of the markets on which such persons may carry on such business; or
- (ii) of the corporate and trust services industry.

(4) Subject to subsection (5), section 23A shall not preclude the disclosure of information for the purpose of enabling or assisting any public or other Authority in the Island or elsewhere for the time being designated for the purposes of this section by an order made by the Treasury to discharge any functions which are specified in the order.

(5) An order under subsection (4) designating an Authority for the purposes of that subsection may –

- (a) impose conditions subject to which the disclosure of information is permitted by that subsection;
 - (b) require the imposition on the recipient of the information of conditions –
 - (i) precluding disclosure of the information by him; or
 - (ii) limiting the use or disclosure of the information by him; and
 - (c) otherwise restrict the circumstances in which that subsection permits disclosure.
- (6) Section 23A shall not preclude the disclosure -
- (a) of any information contained in any notice or copy of a notice served under this Act, the Retirement Benefits Schemes Act 2000 or the Insurance Intermediaries (General Business) Act 1996, notice of the contents of which has been given to the public, by the person on whom it was served or any person

Insurance (Amendment) Act 2004

obtaining the information directly or indirectly from him;

- (b) of any information contained in any register required to be kept under this Act, the Retirement Benefits Schemes Act 2000 or the Insurance Intermediaries (General Business) Act 1996.

(7) No disclosure of information shall be made under this section unless the person making the disclosure is satisfied that the making of the disclosure is proportionate to what is sought to be achieved by it.

(8) The information that may be disclosed under this section includes information obtained before the commencement of this section.

(9) In this section, “Supervisor” includes the Supervisor under the Retirement Benefits Schemes Act 2000 and the Insurance Intermediaries (General Business) Act 1996.”.

Public statements.

11. After section 24A of the 1986 Act insert –

“Public statements.

24B. (1) The Supervisor may issue a public statement concerning a person if he has reasonable grounds to believe that the person -

- (a) is carrying on insurance business in contravention of section 3;
- (b) is in contravention of -
 - (i) any condition imposed under section 6;
 - (ii) any direction under section 20 or 22; or
 - (iii) any direction under section 20 or 22 as applied by section 27; or

Insurance (Amendment) Act 2004

- (c) is in contravention of any other provision of this Act or of any regulations under this Act.

(2) The Supervisor may issue a public statement concerning a person who, on reasonable grounds, he believes to be carrying on insurance business or acting as an insurance manager, (whether in the Island or elsewhere) if it appears to the Supervisor to be desirable to make the statement for the protection of any person or any class of persons.

(3) Before issuing a public statement under this section the Supervisor shall, where the statement is made in respect of –

- (a) an insurer that is authorised under section 6;
- (b) an insurer that is the holder of a permit under section 25; or
- (c) an insurance manager that is registered under section 27,

send to the person concerned written notice of the proposed statement.

(4) Except where the Supervisor is of the opinion that immediate action is necessary, a notice under subsection (3) shall be sent not less than 7 days before issuing a public statement under subsection (1).”.

Guidance Notes.

12. After section 24B of the 1986 Act insert –

“Guidance Notes.

24C. (1) The Supervisor may issue Guidance Notes for the purpose of providing binding guidance with respect to –

- (a) this Act and any public document made under it;

Insurance (Amendment) Act 2004

- (b) the duties of insurers and any other person involved in the management or administration of insurers;
- (c) the rights of policyholders;
- (d) the steps to be taken for enforcing those rights or complying with those duties;
- (e) any matters about which it appears to him to be desirable to give guidance for the protection of policyholders or any class of policyholders;
- (f) any matter falling within the regulatory objectives under section 2A about which it appears to the Supervisor to be desirable to give guidance;
- (g) any matter in respect of which regulations may be made under this Act.

(2) The Supervisor shall take such supervisory action as he believes to be appropriate and proportionate in the event of a failure on the part of any insurer to observe any provision of Guidance Notes.

(3) Subject to subsections (2) and (7), a failure on the part of any person to observe any provision of Guidance Notes shall not of itself render that person liable to civil or criminal proceedings in any court.

(4) Where in any criminal or civil proceedings or civil penalty proceedings under any enactment, a person is alleged to have been in contravention of any provision of any enactment being an enactment in respect of which there were Guidance Notes at the time of the alleged contravention, subsections (5) and (6) shall have effect with respect to those Guidance Notes in relation to those proceedings.

(5) Any provision of the Guidance Notes which appear to be relevant to the contravention shall be admissible in evidence in the proceedings.

Insurance (Amendment) Act 2004

(6) If it is proved that there was at any material time a failure to observe any provision of the Guidance Notes which appears to be relevant to any matter which it is necessary to prove, that matter shall be taken as proved unless the court or other person or body determining the matter is satisfied that the provision was in respect of that matter complied with otherwise than by way of observance of the Guidance Notes.

(7) In this section, “supervisory action” means the exercise of such power (including the imposition of a civil penalty under section 9) as is conferred on the Supervisor by or under this Act.

(8) Guidance Notes shall not be issued or withdrawn before the Supervisor has consulted such persons or bodies as appear to him to be appropriate.

(9) Guidance Notes under this section shall be laid before Tynwald as soon as practicable after being issued.”.

PART 4

MISCELLANEOUS AMENDMENTS

Insurance managers.

13. For section 27(1A) of the 1986 Act substitute –

“(1A) A registered insurance manager shall not carry on any activities, in the Island or elsewhere, –

- (a) otherwise than in connection with or for the purpose of his business as an insurance manager; or
- (b) unless the activity is an activity prescribed in regulations.”.

Statutory indemnity.

14. In section 29 of the 1986 Act and in section 12 of the 1996 Act –

- (a) at the beginning insert “(1)”;
- (b) at the end add –

“(2) Subsection (1) does not apply so as to prevent the award of damages made in respect of an act or omission on the ground that the act or omission was unlawful as a result of section 6(1) of the Human Rights Act 2001 [c.1].”.

Review of decisions.

15. After section 29 of the 1986 Act insert –

“Reasons for decisions.

29A. (1) This section applies in respect of all decisions that are subject to review under section 29B except decisions to which sections 6(3) and 9(3) apply.

(2) The person making the decision shall give written notice stating the reason for the decision to the person in respect of whom the decision is made.

Reviews.

29B. (1) Any person who is aggrieved by a decision –

- (a) under section 6(1)(a) (authorisation subject to conditions);
- (b) under section 6(1)(b) (refusal of authorisation);
- (c) under section 6(2)(a) (authorisation made subject to conditions);
- (d) under section 6(2)(b) (variation of conditions);
- (e) under section 9(1) (withdrawal of authorisation);
- (f) under section 13(2)(b) (approval of actuary);
- (g) under section 20 (objections to directors, controllers, etc);
- (h) under section 22G (imposition of civil penalties for contraventions);
- (i) under section 25(1) (refusal of permit);

Insurance (Amendment) Act 2004

- (j) under section 27(4)(a) (refusal of registration as insurance manager);
- (k) under section 27(4)(b) (cancellation of registration of insurance manager);
- (l) under section 27(5) (declaration that person is acting as an insurance manager);
- (m) under paragraph 3(1)(b) of Schedule 3A (consent to be continued in the Island);
- (n) under paragraph 9(1)(b) of Schedule 3A (consent to be continued outside the Island),

may apply for a review of the decision.

(2) In the first instance the application shall be addressed to the Chief Secretary who shall report the application to the Council of Ministers.

(3) An application for a review shall be in such form, made within such time, and be subject to such conditions, as may be prescribed by regulations made by the Council of Ministers.

(4) On the notification of an application for review, the Council of Ministers shall appoint 3 persons to form a committee (in this section referred to as the "Review Committee") to review the decision in question.

(5) The members of the committee must be persons

- (a) who have appropriate experience; and
- (b) who are independent of the Treasury, the Authority, the Supervisor and the applicant.

(6) The Review Committee shall conduct reviews under this section.

(7) On the determination of a review under this section the Review Committee –

Insurance (Amendment) Act 2004

(a) shall confirm, vary or revoke the decision in question;

(b) may –

(i) order the applicant to pay the costs of the Authority in relation to the review;

(ii) order the Authority to pay the costs of the applicant in relation to the review;

(iii) make no order as to costs.

(8) Any variation or revocation of a decision shall not affect the previous operation of that decision or anything duly done or suffered under it.

(9) Except as permitted by subsection (10), any decision of the Review Committee on a review under this section shall be binding on the parties to the review.

(10) A party to a review which the Committee has determined may bring an appeal on a question of law to the High Court.

(11) The Council of Ministers may make regulations to provide for the practice and procedure of the Review Committee and for proceedings before the Committee.”.

1986 Act : general interpretation.

16. In section 34 of the 1986 Act –

(a) for the definition of “controller” substitute –

“controller” means –

(a) a managing director of a body corporate of which the authorised insurer is a subsidiary;

(b) a chief executive of a body corporate of which the authorised insurer is a subsidiary;

(c) a person in accordance with whose directions or instructions one or more of the directors of a

Insurance (Amendment) Act 2004

body corporate of which the authorised insurer is a subsidiary are accustomed to act unless the director or directors are accustomed so to act by reason only that they do so on advice given by that person in a professional capacity;

- (d) a person who either alone or with any associate or associates is entitled to exercise or control the exercise of 15% or more of the voting power at any general meeting of the authorised insurer or of another body corporate of which it is a subsidiary;”;

(b) insert the following definitions after the definition of “controller” –

““crime” means any conduct which –

- (a) constitutes one or more criminal offences (whether under the law of the Island or of any country or territory outside the Island); or
- (b) is, or corresponds to, any conduct which, if it all took place in the Island, would constitute one or more criminal offences;

“criminal investigation” means an investigation of any crime, including an investigation of any alleged or suspected crime and an investigation of whether a crime has been committed;

“financial crime” includes any crime involving –

- (a) fraud or dishonesty;
- (b) misconduct in, or misuse of information relating to, a financial market; or
- (c) handling the proceeds of crime or funds connected with terrorism;”.

Winding up.

17. In Schedule 3 to the 1986 Act, after paragraph 4(ba) insert –

“(bb) that it is expedient in the public interest that the company should be wound up; or”.

Regulations.

18. (1) In Schedule 4 to the 1986 Act, for paragraph 12 substitute –

“12. The location, form and content of accounting and other records to be kept and maintained by an insurer.

12A. Provisions with respect to the carrying on of insurance business carried on by insurers.

12B. The financial resources of insurers.

12C. The assets, liabilities and other matters to be taken into account in determining an insurer's financial resources for the purposes of this Act and regulations under it.

12D. Arrangements for the settlement of disputes.

12E. The giving of notice to the Supervisor of the occurrence of such events as may be specified in the regulations.

12F. The form and content of any information required to be produced by insurers to the Supervisor.

12G. Financial statements and returns which are to be submitted to the Supervisor.

12H. The display of notices and the provision of information about the affairs of insurers to the public at offices and places of business of insurers.

12I. The supply of information to customers at such time or times as is prescribed about services and policies supplied by insurers, their terms of business (including fees, charges or commission) and their complaints procedures.

12J. Requiring the inclusion of terms in contracts of insurance –

- (a) giving customers rights to cancel contracts at such time and in accordance with such conditions as are prescribed; and

Insurance (Amendment) Act 2004

- (b) where a contract is cancelled under subparagraph (a), giving customers rights to refunds of such amount or calculated in such manner as is prescribed.

12K. Requirements that insurers and their officers, auditors or actuaries shall comply with such codes, guidance notes or standards as are from time to time in force and made or issued by the Authority or any other person or authority whether within or outside the Island.

12L. The respective functions of the board of directors, individual directors and chief executives in respect of the administration and management of their insurance businesses.

12M. Requiring the establishment and maintenance by insurers of internal controls in respect of the administration and management of their insurance businesses.

12N. Requiring the establishment and maintenance by insurers' boards of directors of strategic objectives.

12O. Provisions relating to the prevention and detection of money laundering in connection with the carrying on of insurance business.

12P. Regulations may contain requirements which take into account, in the case of an authorised insurer who is a member of a group, any activity of another member of the group.

12Q. Provisions in respect of contracts entered into by an insurer in the course of carrying on insurance business.

12R. For the purpose of preventing a company that is not an authorised insurer but which is a holding company of an authorised insurer from doing anything to lessen the effectiveness of assets or the identification of assets maintained by the insurer in respect of any particular aspect of its business and in particular may include provision –

- (a) prohibiting the payment of dividends;
- (b) prohibiting the creation of charges;

- (c) making charges created in contravention of the regulations void.”.

(2) The powers conferred by this section are additional to and not in derogation of other powers and provisions in the Insurance Act 1986.

Bodies that may be authorised to carry on insurance business.

19. In section 5 of the 1986 Act, for paragraph (a) substitute –

- “(a) is not a company, or a person or class of persons specified in regulations; or”.

PART 5

INSURANCE INTERMEDIARIES

Insurance Intermediaries : definition of “general insurance business”.

20. For section 1(2) of the Insurance Intermediaries (General Business) Act 1996 [c.4] (“the 1996 Act”) substitute –

“(2) In subsection (1), “general insurance business” means any kind of insurance business which does not constitute long-term business.

(2A) In subsection (2), “long-term business” has the same meaning as in the Insurance Act 1986 but does not include the effecting or carrying out of contracts of insurance under which –

- (a) the benefits are payable only on death or in respect of incapacity due to injury, sickness or infirmity;
- (b) no benefits are payable under the contract on a death (other than a death due to accident) unless it occurs within 10 years of the date on which the life of the person in question was first insured under the contract or before that person attains a specified age not exceeding 70 years;

- (c) there is no surrender value or the consideration consists of a single premium and the surrender value does not exceed that premium; and
- (d) there is no provision for its conversion or extension in a manner that would result in its ceasing to comply with paragraphs (a), (b) and (c).”.

Insurance Intermediaries : review of decisions.

21. For section 5 of the 1996 Act substitute –

“Reasons for decisions.

5. (1) This section applies in respect of all decisions that are subject to review under section 5A except decisions to which section 4(2) applies.

(2) The person making the decision shall give written notice stating the reason for the decision to the person in respect of whom the decision is made.

Reviews.

5A. (1) Any person who is aggrieved by a decision –

- (a) under section 2(3) (refusal of registration);
- (b) under section 4(1)(a) (cancellation of registration);
- (c) under section 4(1)(b) (cancellation of exemption);
- (d) under section 6(1) (objection to director, chief executive or controller),

may apply for a review of the decision.

(2) Section 29B(2) to (11) of the Insurance Act 1986 (c.24) as it has effect from time to time shall apply in respect of a review under this section as it applies in respect of a review under that section.”.

Insurance Intermediaries : winding up.

22. After section 10 of the 1996 Act insert –

“Winding up.

10A. (1) The Supervisor may present a petition for the winding up, in accordance with the Companies Acts 1931 to 1982, of any insurance intermediary that is a company (within the meaning of the Companies Act 1931 [XIII p.235]), on the ground –

- (a) that the company is unable to pay its debts within the meaning of section 162 of the Companies Act 1931; or
- (b) that the company has failed to satisfy an obligation to which it is or was subject by virtue of this Act; or
- (c) that the company has carried on in business in contravention of section 1; or
- (d) that the company, being under an obligation imposed by section 1 of the Companies Act 1982 [c. 2] with respect to the keeping of accounting records, has failed to satisfy that obligation or to produce records kept in satisfaction of that obligation and that the Supervisor is unable to ascertain its financial position; or
- (e) that it is expedient in the public interest that the company should be wound up.

(2) The Supervisor may present a petition for the winding up, in accordance with the Limited Liability Companies Act 1996 [c.19], of any insurance intermediary that

Insurance (Amendment) Act 2004

is a limited liability company (within the meaning of that Act),
on the ground –

- (a) that the company is unable to pay its debts within the meaning of section 307 of the Companies Act 1931; or
- (b) that the company has failed to satisfy an obligation to which it is or was subject by virtue of this Act; or
- (c) that the company has carried on in business in contravention of section 1; or
- (d) that the company, being under an obligation imposed by section 19 of the Limited Liability Companies Act 1996 with respect to the keeping of accounting records, has failed to satisfy that obligation or to produce records kept in satisfaction of that obligation and that the Supervisor is unable to ascertain its financial position; or
- (e) that it is expedient in the public interest that the company should be wound up.”.

Advertisements : insurance intermediaries.

23. In paragraph 4 of the Schedule to the 1996 Act –

- (a) in sub-paragraph (d), the words “(whether printed or broadcast)” are repealed;
- (b) at the end add –
“In this paragraph, “advertisements” includes every form of advertising, whether in a publication or by the display of notices or by means of circulars or other documents or by an exhibition of photographs or cinematograph films or by way of sound broadcasting, television, telecommunications or any electronic media.”.

PART 6
SUPPLEMENTARY

Interpretation.

- 24.** In this Act –
- “the 1986 Act” means the Insurance Act 1986 (c.24);
 - “the 1996 Act” means the Insurance Intermediaries (General Business) Act 1996 (c.4).

Amendments and repeals.

- 25.** (1) The Retirement Benefits Schemes Act 2000 (c.14) is amended in accordance with Schedule 2.
- (2) The enactments mentioned in column 2 of Schedule 3 are repealed to the extent specified in column 3 of that Schedule.

Short title and commencement.

- 26.** (1) This Act may be cited as the Insurance (Amendment) Act 2004.
- (2) This Act shall come into operation on such day as may be appointed by order made by the Insurance and Pensions Authority and different days may be so appointed for different provisions and for different purposes.

SCHEDULES

Section 3

SCHEDULE 1

**DISTRIBUTION OF FUNCTIONS BETWEEN THE SUPERVISOR
AND THE AUTHORITY**

Insurance Act 1986 [c.24]

1. In section 5(d), for “Authority” substitute “Supervisor”.
2. In section 6 –
 - (a) in subsection (1), omit “, on behalf of the Authority”;
 - (b) in subsection (2), omit “, with the concurrence of the Authority,”;
 - (c) in subsection (3), for “Authority” substitute “Supervisor”;
 - (d) after subsection (5) insert –

“(6) When the Supervisor exercises any powers under this section he shall, as soon as practicable, report the fact to the Authority.”.
3. In section 9 –
 - (a) in subsection (1), omit “, with the concurrence of the Authority,”;
 - (b) in subsection (3), for “Authority” substitute “Supervisor”.
4. In section 12(5), in subsection (1), omit “, with the concurrence of the Authority,”.
5. In section 13(2), for “Authority” in both places where the words occur, substitute “Supervisor”.
6. In section 27 –
 - (a) in subsection (4), omit “, and with the consent of the Authority”;
 - (b) in subsection (5), for “Authority” in both places where the words occur, substitute “Supervisor”.
7. In section 28A, for “Authority” wherever occurring, substitute “Supervisor”.

Insurance (Amendment) Act 2004

8. In section 32, for “Treasury” substitute “Authority” and for “Authority” substitute “Treasury”.
9. In Paragraph 4 of Schedule 3, omit “,with the consent in writing of the Authority,”.
10. In Schedule 3A, for “Authority”, wherever occurring, substitute “Supervisor” and pronouns shall be amended accordingly.

Section 26(1)

SCHEDULE 2

AMENDMENT OF RETIREMENT BENEFITS SCHEMES ACT 2000 [c.14]

1. For section 1(3) substitute –
 - “(3) No person in or from within the Island shall –
 - (a) act, by way of business, as the trustee;
 - (b) take or receive contributions for the fund,of a scheme unless the scheme is an authorised scheme or a recognised scheme under this Act.”.
2. In section 3(7) –
 - (a) in paragraph (c), for “three” substitute “two”;
 - (b) in paragraph (e), at the end add “and regulations may make provision with respect to the circumstances in which a trustee shall or shall not be treated as being independent for the purposes of this paragraph”.
3. For section 6(1)(c) substitute –
 - “(c) the powers and duties of the trustee, administrator or the participating, or previously participating, employer of such a scheme;”.
4. In sections 8(3)(a) and 13(1), for “section 7(1)(a)” substitute “this subsection”.
5. In section 18, at the beginning insert –
 - “(A1) No trustee or administrator of an authorised scheme shall appoint a person as director, chief executive or manager; nor shall a person become controller of such a trustee or administrator, unless a written notice containing such particulars as may be prescribed is served on the Supervisor by –
 - (a) in the case of a director, chief executive or manager, the trustee or administrator as the case requires; or
 - (b) in the case of a controller, the proposed controller,

Insurance (Amendment) Act 2004

not less than 28 days before the event.”.

6. In section 21(5)(a), for the words from “a registered” to “36(1)(b),” substitute “a person”.
7. After section 25(1)(b) insert –
 - “(c) any other person whom the Supervisor has reason to believe has information that is relevant to the discharge of the Supervisor’s functions under this Act.”.
8. For section 36(3) substitute –
 - “(3) No person shall be registered unless he satisfies the Supervisor that –
 - (a) he is a fit and proper person;
 - (b) he carries on business as a scheme administrator at a place of business in the Island; and
 - (c) he complies with such other requirements as are prescribed in regulations.”.
9. In section 51(1), after paragraph (d) insert –
 - “(dd) provide for any of the provisions of this Act to apply (to such extent as may be prescribed), or to apply with prescribed modifications (in spite of anything in those provisions) –
 - (i) to money purchase or other schemes falling within a prescribed class or description; or
 - (ii) for the purpose of taking account of pension sharing orders under Part 1 of the Matrimonial Proceedings Act 2001 (c.5); or
 - (iii) for the purpose of taking account of the law of countries outside the Island where authorised schemes have members or operations in such countries as well as in the Island.”.
10. In paragraph 7 of Schedule 1 –
 - (a) at the beginning insert “(1)”;

Insurance (Amendment) Act 2004

- (b) at the end add –
- “(2) Subsection (1) does not apply so as to prevent the award of damages made in respect of an act or omission on the ground that the act or omission was unlawful as a result of section 6(1) of the Human Rights Act 2001 [c.1].”.

Insurance (Amendment) Act 2004

Section 25(2)

SCHEDULE 3

CONSEQUENTIAL AND MINOR REPEALS

Chapter	Title	Extent of repeal
1986 c.13	Insurance Act 1986	Section 1(2). Section 11. Section 26.
1988 c.16	Financial Supervision Act 1988	In Schedule 2, paragraph 10.
1991 c. 18	Investment Business Act 1991	In Schedule 2, entry 5.
1996 c.4	Insurance Intermediaries (General Business) Act 1996	In section 6(2), the words from “, and the Supervisor” to the end of the subsection.
2003 c.?	Anti-Terrorism and Crime Act 2003	In Schedule 10, the entry relating to – section 24(2) of the Insurance Act 1986.