STATUTORY INSTRUMENTS

1978 No. 1395

INSURANCE

The Insurance Brokers Registration Council (Registration and Enrolment) Rules Approval Order 1978

Made - - - -	27*th September* 1978
Laid before Parliament	28*th September* 1978
Coming into Operation	20*th October* 1978

The Secretary of State, in exercise of the powers conferred by sections 27(1) and 28(1) of the Insurance Brokers (Registration) Act 1977**(a)** and of all other powers enabling him in that behalf, hereby makes the following Order:—

1. This Order may be cited as the Insurance Brokers Registration Council (Registration and Enrolment) Rules Approval Order 1978 and shall come into operation on 20th October 1978.

2. The Insurance Brokers Registration Council (Registration and Enrolment) Rules 1978 made by the Insurance Brokers Registration Council in exercise of their powers under section 8(2), (3) and (4) of the Insurance Brokers (Registration) Act 1977 are hereby approved as set out in the Schedule to this Order.

Stanley Clinton Davis,
Parliamentary Under-Secretary of State,
Department of Trade.

27th September 1978.

(a) 1977 c. 46.

SCHEDULE

THE INSURANCE BROKERS REGISTRATION COUNCIL

(REGISTRATION AND ENROLMENT) RULES 1978

The Insurance Brokers Registration Council, in exercise of their powers under section 8(2), (3) and (4) of the Insurance Brokers (Registration) Act 1977 hereby make the following Rules:

1. These Rules may be cited as the Insurance Brokers Registration Council (Registration and Enrolment) Rules 1978.

2.—(1) In these Rules, unless the context otherwise requires:

"the Act" means the Insurance Brokers (Registration) Act 1977;

"the alteration fee" has the meaning assigned to it by rule 15(2);

"the appropriate form" and "the appropriate supplementary form" mean an application form issued by the Council for the type of application in question and a requirement that an application shall be made on the appropriate form shall imply that the Council are entitled to require the completion of the form;

"the enrolment retention fee" has the meaning assigned to it by rule 11(1);

"approved qualifications" means qualifications approved by the Council for the purposes of paragraph (*a*) of section 3(1) of the Act;

"recognised qualifications" means qualifications recognised by the Council for the purposes of paragraphs (*b*), (*d*), (*f*) or (*h*) of section 3(1) of the Act;

"the registered address" means the address entered in the register or list in respect of the registered insurance broker or enrolled body corporate;

"the registration retention fee" has the meaning assigned to it by rule 9(1);

"the supplementary fee" has the meaning assigned to it by rule 7(2);

"the supplementary retention fee" has the meaning assigned to it by rule 10(1).

(2) The Interpretation Act 1889**(a)** shall apply for the interpretation of these Rules as it applies for the interpretation of an Act of Parliament.

3. These Rules shall not apply in relation to an individual who is carrying on business as an insurance broker or to a body corporate unless the individual (or a partnership of which he is a member) or the body corporate is a Lloyd's broker.

The register

4. In relation to the registration of an insurance broker, the particulars to be entered in the register shall be:

(1) his surname, forenames, approved or recognised qualifications, date of birth, and the address at which he ordinarily resides, and

(2) in respect of an insurance broker who is carrying on business as an insurance broker the address of his principal place of business instead of the address at which he ordinarily resides and any business names under which he carries on business as an insurance broker.

The list

5. In relation to the enrolment of a body corporate carrying on business as an insurance broker, the particulars to be entered in the list shall be its name, the address of its principal place of business and any business names under which it carries on business as an insurance broker.

(a) 1889 c. 63.

Application for registration

6.—(1) Any application for registration as an insurance broker shall be accompanied by a fee of £25. An insurance broker who is carrying on business shall be further subject to the requirements of rule 7 hereof.

(2) The Registrar may require any person applying for registration to supply evidence sufficient to show that the requirements for registration are satisfied.

(3) Every application shall be made upon the appropriate form available from the Registrar upon request.

(4) The Council may require any person applying for registration to cause a public advertisement to be issued announcing that the application has been made and inviting comment thereon. The Council may require the person to provide evidence sufficient to establish compliance with this rule.

(5) The Registrar shall not enter in the register the name of an insurance broker until the fee specified in paragraph (1) of this rule has been paid.

7.—(1) An application for registration submitted by an insurance broker who is carrying on business shall be made upon the form referred to in rule 6(3) hereof and the appropriate supplementary form available from the Registrar upon request.

(2) The application forms referred to in paragraph (1) of this rule shall in addition to the fee of £25 payable under rule 6(1) hereof be accompanied by a further fee ("the supplementary fee") of £50.

(3) Except in respect of the application form referred to in rule 6(3) hereof when two or more persons are carrying on business together in a partnership one appropriate supplementary form referred to in paragraph (1) of this rule may be submitted and one supplementary fee may be paid on behalf of all such persons.

(4) The Registrar shall not enter in the register the name of an insurance broker until the fees specified in paragraph (2) of this rule have been paid.

Application for enrolment

8.—(1) Any application by a body corporate for enrolment in the list shall be accompanied by a fee of £50.

(2) The Registrar may require any body corporate applying for enrolment to supply evidence of its suitability to be enrolled.

(3) Every application shall be made upon the appropriate form available from the Registrar upon request.

(4) The Registrar shall not enter in the list the name of a body corporate until the fee specified in paragraph (1) of this rule has been paid.

Retention of name in the register or list and non-payment of fees

9.—(1) Subject to rule 10 hereof any person registered as an insurance broker shall pay on 1st January in each year a fee of £15 ("the registration retention fee") in respect of the retention of his name on the register for the ensuing calendar year.

(2) Where a registration retention fee is not received on or before the beginning of the year to which it relates the Registrar shall send to the person concerned at the registered address a Notice requiring payment of the said fee to be made within fourteen days. If payment is not made before the expiry of that period, the Registrar shall send a further Notice by recorded delivery to the person at the registered address warning him that failure to pay the fee within a further fourteen days will occasion the erasure of his name from the register on the expiry of such period and if the fee is not paid after such further Notice, the Registrar shall erase from the register the name of that person.

(3) The name of the person erased from the register under this rule may only be restored to the register upon receipt of an application made upon the appropriate form available from the Registrar on request accompanied by the registration retention fee of £15 and an additional fee of £10.

(4) The Registrar shall not restore to the register the name of an insurance broker until the fees specified in paragraph (3) of this rule have been paid.

10.—(1) In addition to the registration retention fee required by rule 9 hereof any practising insurance broker shall pay on 1st January in each year a fee of £50 ("the supplementary retention fee") in respect of the retention of his name in the register for the ensuing calendar year.

(2) Where a supplementary retention fee is not received on or before the beginning of the year to which it relates the Registrar shall send to the person concerned at the registered address a Notice requiring payment of the said fee to be made within fourteen days. If payment is not made before the expiry of that period, the Registrar shall send a further Notice by recorded delivery to the person at the registered address warning him that failure to pay the fee within a further fourteen days will occasion the erasure of his name from the register on the expiry of such period and if the fee is not paid after such further Notice, the Registrar shall erase from the register the name of that person.

(3) The name of the person erased from the register under this rule may only be restored to the register upon receipt of an application made upon the appropriate form available from the Registrar on request accompanied by the supplementary retention fee of £50 which shall be in addition to any fee required by rule 9(3) hereof.

(4) In satisfaction of the fee required by paragraphs (1) or (3) of this rule, two or more practising insurance brokers carrying on business together in a partnership may pay one supplementary retention fee on behalf of all such persons in the partnership who apply for retention or submit application forms.

(5) The Registrar shall not restore to the register the name of a practising insurance broker until the fee specified in paragraph (3) of this rule has been paid.

11.—(1) Any enrolled body corporate shall pay on 1st May in each year a fee of £50 ("the enrolment retention fee") in respect of the retention of its name on the list for the ensuing calendar year.

(2) Where an enrolment retention fee is not received on or before the beginning of the year to which it relates the Registrar shall send to the body corporate at the registered address a Notice requiring payment of the said fee to be made within fourteen days. If payment is not made before the expiry of that period, the Registrar shall send a further Notice by recorded delivery to the body corporate at the registered address warning the body corporate that failure to pay the fee within a further fourteen days will occasion the erasure of the name of the body corporate from the list on the expiry of such period and if the fee is not paid after such further Notice, the Registrar shall erase from the list the name of that body corporate.

(3) The name of the body corporate erased from the list under this rule may only be restored to the list upon receipt of an application made upon the appropriate form available from the Registrar on request accompanied by the enrolment retention fee of £50 and an additional fee of £10.

(4) The Registrar shall not restore to the list the name of a body corporate until the fees specified in paragraph (3) of this rule have been paid.

12.—(1) The Registrar shall be entitled at any time to require a registered insurance broker or an enrolled body corporate to supply such information as may be required by the Registrar with a view to ensuring that the particulars entered in the register or list in respect of that registered insurance broker or enrolled body corporate are correct.

(2) In requiring the supply of information under paragraph (1) of this rule the Registrar may require such information to be supplied within such period, not being less than fourteen days, as he may specify. If information required by the Registrar has not been supplied to his satisfaction within such specified period, the Registrar shall send a Notice by recorded delivery to the registered insurance broker or enrolled body corporate, as the case may be, at the registered address warning that failure to supply such information within a further period of fourteen days will occasion the erasure of the name of the registered insurance broker or the enrolled body corporate from the register or list on the expiry of such period; and if the information is not supplied after such further Notice, the Registrar shall erase from the register or list the name of the registered insurance broker or enrolled body corporate.

13. Where a registered insurance broker or enrolled body corporate is subject to disciplinary proceedings under section 13 or 14 of the Act, the Registrar shall not erase from the register or list the name of that insurance broker or body corporate for failure to pay the appropriate fee or fees under rules 9, 10 and 11 or for failure to supply the information required under rule 12 above until he is satisfied that such disciplinary proceedings have been finally determined.

Alteration or removal of entries in the register or list

14. When the Registrar receives information that an entry in the register or list has become incorrect or application is made by or on behalf of a registered insurance broker or enrolled body corporate for an entry in the register or list to be altered, he shall make the required correction or alteration. Subject to the provisions of rule 15 hereof, no charge shall be made for a correction or alteration under this rule.

15.—(1) Where a registered insurance broker commences business as an insurance broker after registration he shall forthwith make application for the alteration of the particulars entered in respect of him in the register upon the appropriate form available from the Registrar upon request.

(2) The form referred to in paragraph (1) of this rule shall be accompanied by a fee ("the alteration fee") of £50.

(3) When two or more registered insurance brokers commence business together in a partnership, one appropriate form referred to in paragraph (1) of this rule and one alteration fee may be paid on behalf of all such persons.

(4) The Registrar shall not alter in the register the particulars of a practising insurance broker until the fee specified in paragraph (2) of this rule has been paid.

16.—(1) The Registrar shall remove from the register or the list particulars of any person who has died, and of any body corporate which has entered into liquidation (whether voluntarily or compulsorily) or has been struck off the Register of Companies.

(2) The Registrar may remove from the register or the list the name of any registered insurance broker or enrolled body corporate upon receipt of a written application by or on behalf of the registered insurance broker or enrolled body corporate stating the grounds on which the application is made and accompanied by a statutory declaration that the applicant is not aware of any reason which might lead to the erasure of the name under section 15 or 17 of the Act.

Sealed on the 13th day of September 1978.

Attested by:

Francis Perkins.
Member of Council.

J. E. Fryer.
Registrar.

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order approves rules made by the Insurance Brokers Registration Council in relation to the register and list which are to be kept in pursuance of the Insurance Brokers (Registration) Act 1977.

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