



EXTRAORDINARY

OFFICIAL GAZETTE

THE BAHAMAS

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EXTERNAL INSURANCE ACT, 2009
(No. 15 of 2009)

S.I. No. 42 of 2010

EXTERNAL INSURANCE (FORMS AND FEES) REGULATIONS, 2010

The Commission, in exercise of the powers conferred by section 46 of the External Insurance Act, makes the following regulations —

1. Citation.

These regulations may be cited as the External Insurance (Forms and Fees) Regulations, 2010.

2. Application for licence.

- (1) Every application for a licence as an external insurer, insurance manager or external insurance broker shall be made to the Commission in writing in the appropriate manner in either Part A or Part B of the First Schedule and the applicant shall specify the capacity in which the applicant seeks to be licensed.
- (2) The application shall set out information in separately numbered paragraphs in accordance with the paragraphs of the appropriate Part of the First Schedule and shall be accompanied by the prescribed application and a non-refundable application fee.
- (3) At the end of the application there shall be appended a certificate in the following manner —
"We certify that to the best of our knowledge and belief that all the information given in this application is true and correct."
- (4) The certificate under paragraph (3) shall be signed by —
 - (a) a director and the secretary of the company which seeks a licence; or
 - (b) two other authorized officers of the company.
- (5) In the case of an application for renewal of an existing licence, the applicant shall submit the appropriate form set out in Part C of the First Schedule.

3. Amendment of application.

- (1) Where a material change occurs in the circumstances which affect an application after it is submitted, but before the decision to grant or refuse a licence is communicated to the applicant, and that change has the effect of falsifying any information contained in the application, the applicant shall inform the Commission immediately of such particulars of the change of circumstances.
- (2) Where the applicant fails or neglects to inform the Commission of any material change with regard to the application under paragraph (1), the relevant particulars of the application shall be deemed to be false.

4. Licence.

- (1) Where the Commission approves an application for a licence, the Superintendent of Insurance shall issue a licence to the applicant in the Form specified in the Second Schedule.
- (2) Where the application for a licence is not approved by the Commission, the Commission shall inform the applicant in writing.

5. Auditor's confirmatory certificate.

The financial statement to be submitted for the purposes of section 24(3) of the Act shall be signed by the independent auditor responsible for confirming the preparation of the annual financial statement of the external insurer and shall be in the Form set out in the Third Schedule.

6. Additional financial statements.

Pursuant to section 24(3) of the Act, there shall be submitted on behalf of an external insurer —

- (a) a statement updating the business plan of that external insurer and particulars of which have been previously submitted to the Commission; and
- (b) a statement by two directors of the external insurer in the Form set out in the Fourth Schedule, containing representations as to the completeness of the records produced and information supplied to the auditors by the external insurer.

7. Statement by insurance manager confirming compliance by external insurer.

An insurance manager shall at the time of furnishing the list of external insurers in compliance with section 38(1)(a) of the Act, submit to the Commission in relation to the external insurers a written statement in the Form specified in the

Fifth Schedule signed by the insurance manager and two directors of the external insurer.

8. Fees.

- (1) The fees set out in the Sixth Schedule shall be payable in respect of the transactions under the Act.
- (2) The fee payable in relation to the First Schedule in respect of the annual licence as an external insurer shall be reduced by the amount of any fee paid by the same person in respect of the same year under paragraph (3) of the Third Schedule to the Companies Act (*Ch. 308*).
- (3) Renewal fees payable under these regulations become due and payable on the last day of the twelfth month following the initial or previous licence.
- (4) Any person who under these regulations is required to pay any annual licence fee, and fails to pay such fee within a period of thirty days after the date on which such fee becomes due and payable, shall, in respect of his licence for that year, pay to the Commission in addition to the appropriate annual licence fee payable under these regulations, a late fee, as set out in paragraph 9(a) of the Sixth Schedule.
- (5) Without prejudice to paragraph (4), a licence fee payable under these regulations which remains unpaid after thirty days from the date on which such fee becomes payable, may be recovered as a debt due in civil proceedings.
- (6) The Commission may suspend the licence of any person where the licence fee remains unpaid for more than ninety days from the date on which the licence fee becomes payable.

9. Revocation of External Insurance Regulations and External Insurance (Fees) Regulations.

The following regulations are revoked —

- (a) the External Insurance Regulations¹;
- (b) the External Insurance (Fees) Regulations².

¹Sub. Leg., Vol. V, Ch. 348-3

²Sub. Leg., Vol. V, Ch. 348-12

FIRST SCHEDULE

PART A

(Regulation 2)

APPLICATION FOR LICENCE AS EXTERNAL INSURER

1. Name of applicant.
2. Application for a ☐ RESTRICTED or ☐ UNRESTRICTED Licence.
3. Place established and number of years established under present name.
4. Any other name or names under which external insurance business may have been carried out, giving place and date of inception and expiration of such business.
5. Address of head or registered office.
6. If either the head or registered office is outside The Bahamas —
 - (a) address of principal office in The Bahamas;
 - (b) name of the manager who is to be the company's principal representative in The Bahamas;
 - (c) name of the assistant or other manager who in the absence or inability of the manager named under (b) above to act, is to be the company's principal representative in The Bahamas;
 - (d) the name of the bank or other financial institution which can supply a reference for the applicant;
 - (e) where an external insurer has more than one insurance manager in The Bahamas, the chief or principal insurance manager representing it is to be named.
7.
 - (a) The amount of the paid-up capital of the company at present or the proposed amount when the company has been licensed. If the paid-up capital will be increased before the company intends to start undertaking the business for which authorization is being requested, give details of proposed increase.
 - (b) The amount by which the assets of the company exceed the liabilities (including all contingent or prospective liabilities, but not liabilities in respect of share capital) at the present time and what the amount is likely to be when the company intends to start its undertaking of external insurance business.