1989 No. 75

INDUSTRIAL ASSURANCE

Industrial Assurance (Life Assurance Premium Relief) (Change of Rate) Regulations (Northern Ireland) 1989

Made	*13th March 1989*
Coming into operation . .	*6th April 1989*

The Department of Economic Development, in exercise of the powers conferred by paragraph 3(3) and (6) of Schedule 14 to the Income and Corporation Taxes Act 1988(**a**) and now vested in it(**b**) and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Industrial Assurance (Life Assurance Premium Relief) (Change of Rate) Regulations (Northern Ireland) 1989 and shall come into operation on 6th April 1989.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(**c**) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

(2) In these Regulations—

"the 1978 Regulations" means the Industrial Assurance (Life Assurance Premium Relief) Regulations (Northern Ireland) 1978(**d**);

"actuary" means an actuary qualified in accordance with the Friendly Societies (Qualifications of Actuaries) Regulations (Northern Ireland) 1971(**e**);

"an approved scheme" means a special scheme approved by the Industrial Assurance Commissioner in the circumstances provided for in regulation 8 of the 1978 Regulations;

"gross premium" means the premium of the amount payable under the policy or contract;

"Industrial Assurance Commissioner" means the Industrial Assurance Commissioner for Northern Ireland;

"industrial assurance company" and "collecting society" have the meanings assigned by Article 2(2) of the Industrial Assurance (Northern Ireland) Order 1979(**f**);

(**a**) 1988 c. 1
(**b**) By S.I. 1982/846 (N.I. 11) Art. 4
(**c**) 1954 c. 33 (N.I.)
(**d**) S.R. 1978 No. 131 as amended by S.R. 1984 No. 231
(**e**) S.R. & O. (N.I.) 1971 No. 18
(**f**) S.I. 1979/1574 (N.I. 13)

"parent" includes a stepfather and a stepmother;

"the prescribed scheme" means the scheme prescribed in Schedule 1 to the 1978 Regulations.

Modifications of enactments

3. The enactments mentioned in the Schedule shall have effect subject to the adaptations and modifications set out in that Schedule.

Amendment of a scheme

4.—(1) Where an industrial assurance company or collecting society has adopted the prescribed scheme or an approved scheme in accordance with the provisions of the 1978 Regulations the company or society may, by resolution of its board of directors or, as the case may be, of its committee of management, amend any such scheme so that amounts equal to 12½ per cent. of the gross premiums due and payable on or after 6th April 1989 shall be retained by or refunded to the persons paying the premiums.

(2) Where an industrial assurance company or collecting society has amended any such scheme amounts equal to 12½ per cent. of the gross premiums payable under policies or contracts to which the scheme applies shall be retained by or refunded to the persons paying the premiums as provided in the scheme so amended.

(3) Written notice of a resolution amending the prescribed or an approved scheme shall within fourteen days of the passing thereof be sent by the industrial assurance company or collecting society to the Industrial Assurance Commissioner.

(4) Where a collecting society has resolved to amend the prescribed or an approved scheme any right conferred by section 14 of the Friendly Societies Act (Northern Ireland) 1970(**a**) or Article 9(1) of the Industrial Assurance (Northern Ireland) Order 1979 on any person to receive a copy of the rules of the society or of an amendment thereof shall be extended so as to include the right to receive a copy of the resolution and of the amended scheme adopted by the resolution.

Amendment of gross premium

5.—(1) Where, by virtue of regulation 5 of the 1978 Regulations a resolution adopting the prescribed scheme provided that the gross premium was to be increased with effect from 6th April 1979 in respect of any specified class of policy or contract, a resolution amending the prescribed scheme may also amend the gross premium so that with effect from 6th April 1989 the gross premium shall be amended to such sum as after deduction of 12½ per cent. thereof equals the amount expressed in the policy or contract to be the premium.

(2) Where such an amendment is made, the resolution shall operate so as to effect the above-mentioned amendment in the gross premium payable under every policy or contract of a class to which the provision relates, and the prescribed scheme as amended shall take effect accordingly.

(**a**) 1970 c. 31 (N.I.)

Corresponding amendment to sum assured

6. Where a gross premium has been amended under regulation 5 the sum assured or guaranteed by the policy or contract may be amended by an amount determined in accordance with rules which have been certified by an actuary to be fair in relation to the gross premium payable and have been approved by the Industrial Assurance Commissioner.

7. Where the gross premium is amended in accordance with these Regulations the industrial assurance company or collecting society shall, on being requested in writing to do so by the person by whom the premium is payable, notify him in writing of the effect of the amendment on the sum assured or guaranteed or of any other effect.

8. Where by virtue of regulation 7 of the 1978 Regulations a person insured under a policy or contract irrevocably elected that the premium under the contract under which he was insured should be increased with effect from 6th April 1979, the amendment to the gross premium shall apply as from 6th April 1989 as if it had been effected under regulation 5(2), and regulations 6 and 7 shall apply in respect of an amended premium under this regulation as they apply in relation to an amendment under regulation 5.

Amendment of approved schemes

9. Where an industrial assurance company or a collecting society adopted an approved scheme under regulation 8 of the 1978 Regulations, the Industrial Assurance Commissioner may approve any amendment to the scheme which in his view is expedient or necessary to give effect to the reduction in the rate of life assurance premium relief from 15 per cent. to 12½ per cent. effected by section 29 of the Finance Act 1988(**a**).

Notice or advertisement

10. Where an industrial assurance company or collecting society has, in accordance with the provisions of these Regulations, amended the prescribed scheme or an approved scheme adopted by it, as soon as is reasonably practicable it shall either:

(*a*) serve upon every person paying premiums to the company or society who is affected by the amendment a notice containing a statement setting out the effects thereof; or

(*b*) publish or cause to be published such notice by advertisement in one or more newspapers in general circulation in the area where the company or society carries on business.

Amendment of rules

11. Notwithstanding anything contained in the rules of a collecting society which has amended the prescribed scheme or an approved scheme, the committee of management of the society may, by resolution, make amendments to the rules of the society in connection with the amendment by the society of any such scheme.

(a) 1988 c. 39