

CAYMAN ISLANDS



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**THE INSURANCE (AMENDMENT) LAW, 2002
(LAW 37 OF 2002)**

The Insurance (Amendment) Law, 2002

ARRANGEMENT OF SECTIONS

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9. Amendment of section 13 - appeals.
10. Savings provisions.

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- (ii) in paragraph (b), by repealing the words “act as the adviser to the Governor and to”.

5. The principal Law is amended in section 6 as follows -

Amendment of section
6 - use of the word
“insurance”, etc.

- (a) in subsection (1), by repealing the word “Governor” wherever it appears and substituting the word “Authority”;
- (b) in subsection (2), by repealing the words “his approval under subsection (1) the Governor” and substituting the words “its approval under subsection (1) the Authority”; and
- (c) in subsection (3), by repealing the word “Governor” and substituting the word “Authority”.

6. The principal Law is amended in section 11 as follows -

Amendment of section
11 - powers of Authority

- (a) in the marginal note and in subsections (1), (4), (5) and (6), respectively, by repealing the word “Governor” and substituting the word “Authority”;
- (b) in subsection (1) -
 - (i) by repealing the words “he may forthwith do any of the following-” and substituting the words “the Authority may forthwith do any of the following-”; and
 - (ii) in paragraph (viii), by repealing the words “as he considers necessary” and substituting the words “as the Authority considers necessary”;
- (c) in subsection (2), by repealing the words “Governor for a reconsideration of his decision” and substituting the words “Authority for a reconsideration of its decision”;
- (d) in subsection (3), by repealing the words “the Governor and”;
- (e) in subsection (4) -
 - (i) in paragraph (c), by repealing the words “he may impose” and “approved by him” and substituting the words “the Authority may impose” and “approved by the Authority”, respectively; and
 - (ii) in paragraph (d), by repealing the words “the Court” and substituting the words “the Grand Court”; and
- (f) in subsection (6), by repealing the word “he” wherever it appears and substituting the words “the Authority”.

7. The principal Law is amended in section 11A by repealing the word “Governor” wherever it appears and substituting the word “Authority”.

Amendment of section
11A - surrender of
licence

8. The principal Law is amended in section 12(1) by repealing the word “Governor” and substituting the word “Authority”.

Amendment of section
12 - preservation of
assets, etc.

9. The principal Law is amended in section 13(1) as follows -

Amendment of section
13 - appeals

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- (a) by repealing the word "Governor" and substituting the word "Authority"; and
- (b) by repealing the words "or (2) as the case may be".

Savings provisions

10. (1) Every application for the grant of a licence made under the old Law and wholly or partly heard by the Governor in Council when the new Law comes into force, is to be continued and dealt with in all respects as if the new Law had not come into force.

(2) A licence granted as a result of an application determined under subsection (1) is to be granted on the same terms and conditions that would have applied if the new Law had not come into force.

(3) Every application for the grant of a licence made under the old Law and not wholly or partly heard by the Governor in Council when the new Law comes into force, is to be taken to be an application made under the new Law and the provisions of the new Law are to apply accordingly.

(4) In the case of an appeal against any decision of the Governor in Council that has been commenced but not finally determined before the new Law comes into force, the Grand Court is to continue to deal with the appeal as if the new Law had not come into force; and when the appeal is finally determined, the old Law is to apply subject to any necessary modifications as if the appeal had been finally determined before the new Law came into force.

(5) Any licence granted under the old Law and in force immediately before the date of commencement of this Law -

- (a) shall have effect from that date, as if granted under the new Law; and
- (b) in the case of a licence for a specified period, shall remain in force, subject to the provisions of the new Law, for so much of that period as falls after that date.

(6) In this section -

"the new Law" means the principal Law as amended by this Law; and

"the old Law" means the principal Law in force immediately before the date of commencement of this Law.

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CAYMAN ISLANDS

Law 37 of 2002.

I Assent

B.H. Dinwiddy

Governor.

Date: 29 January, 2003

**A LAW TO AMEND THE INSURANCE LAW (2001 REVISION) TO
TRANSFER, FROM THE GOVERNOR IN COUNCIL TO THE CAYMAN
ISLANDS MONETARY AUTHORITY, LICENSING POWERS IN
RELATION TO PERSONS CARRYING ON INSURANCE BUSINESS; TO
INCREASE THE REGULATORY POWERS OF THE MONETARY
AUTHORITY IN RELATION TO PERSONS CARRYING ON
INSURANCE BUSINESS; AND TO MAKE PROVISION FOR RELATED
MATTERS**

ENACTED by the Legislature of the Cayman Islands.

1. (1) This Law may be cited as the Insurance (Amendment) Law, 2002.

Short title and
commencement

(2) This Law shall come into force on such date as may be appointed by order made by the Governor.

2. The Insurance Law (2001 Revision), in this Law referred to as the "principal Law", is amended in section 2 as follows -

Amendment of section 2
of the Insurance Law
(2001 Revision) -
definitions

- (a) in the respective definitions of the terms "actuary", "auditor" and "net worth", by repealing the word "Governor" and substituting the word "Authority";
- (b) in the definition of the term "domestic business" -
 - (i) by repealing the words "contract in the Islands" and substituting the words "contract is in the Islands"; and
 - (ii) by repealing the words "property ordinarily based" and substituting the words "property is ordinarily based";

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- (c) in the definition of the term “insurance manager”, by repealing the word “Governor” wherever it appears and substituting the word “Authority”; and
- (d) in paragraph (b) of the definition of the term “insurer”, by repealing the word “Governor” and substituting the word “Authority”.

Amendment of section
4 - applications for
licences

3. The principal Law is amended in section 4 as follows -

- (a) in subsections (1), (2), (7), (11) and (13), respectively, by repealing the word “Governor” and substituting the word “Authority”;
- (b) in subsection (2) by repealing the words “to him” and substituting the words “to the Authority”;
- (c) in subsection (8), by repealing the word “Governor” wherever it appears and substituting the word “Authority”;
- (d) by inserting after subsection (12) the following subsection -

“ (12A) Without prejudice to the foregoing provisions of this section, if the annual fee referred to in subsection (12) is not paid by the holder of a current licence on or before every 15th day of January during the currency of the licence, the unpaid annual fee may be sued for by the Crown by action as a civil debt and the Crown may require, and the court may order, the payment of any penalties accrued in respect of the late payment of the fee.”; and

- (f) by inserting after subsection (14) the following subsection -

“ (15) In subsection (12A), “court” means the Grand Court or a court of summary jurisdiction, as the case may be.”.

Amendment of section
5 - The Authority

4. The principal Law is amended in section 5 as follows -

- (a) in subsection (1) -
 - (i) in paragraph (b), by repealing the words “or where so required by the Governor” and the words “, and to report to the Governor the results of every such examination”;
 - (ii) in paragraph (c), by repealing the word “Governor” and substituting the word “Authority”; and
 - (iii) in paragraph (d), by repealing the words “recommendations to the Governor” and substituting the word “determinations”; and
- (b) in subsection (2) -
 - (i) in paragraph (a), by repealing the words “recommendations to the Governor” and substituting the word “determinations”; and

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Passed by the Legislative Assembly the 19th day of December, 2002.

JULIANNA O'CONNOR - CONNOLLY

Speaker.

WENDY LAUER EBANKS

Clerk of the Legislative Assembly.

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