CHAPTER 84:01

INSURANCE ACT

An Act to revise and consolidate the law providing for the regulation of insurance business and for other purposes related to or connected with such business and for the regulation of privately administered pension fund plans. 6 of 1980.

[1ST NOVEMBER 1982] Commencement. 125/1982.

1. This Act may be cited as the Insurance Act. Short title.

2. (1) This Act applies to— Application of Act.

(*a*) all companies, whether or not established in Trinidad and Tobago, which carry on in Trinidad and Tobago insurance business of all or any of the classes specified in the First Schedule; First Schedule.

(*b*) privately administered pension fund plans whether administered by individual trustees or by trust corporations.

(2) For the purposes of this Act the reinsurance of liabilities under insurance policies shall be treated as insurance business of the class to which the policies would have belonged had they been issued by the reinsurer, and all the provisions of this Act shall apply to such reinsurance save that a company or an association of underwriters carrying on such reinsurance shall not be required to make in respect thereof the deposit required to be made by section 29 or section 189.

PRELIMINARY

3. (1) In this Act— Interpretation.

"actuary" means a Fellow by examination of the Institute of Actuaries in England, of the Faculty of Actuaries in Scotland or of the Society of Actuaries in the United States of America or an actuary possessing such other qualifications as may from time to time be approved by the Supervisor;

"adjuster" means any person who for compensation, a fee, a commission or a salary investigates and negotiates settlement of claims arising under insurance contracts, solely on behalf of either the insurer or the insured, but does not include—

(*a*) a salaried employee of an insurer while acting on behalf of such insurer in the adjustment of losses; or

(*b*) an agent of an insurer;

"admissible assets" means such assets as may from time to time be prescribed to be admissible assets;

"agent" means any individual, firm or company appointed by an insurer to solicit applications for insurance or negotiate insurance business on its behalf and, where authorised to do so by the insurer, to effectuate and countersign insurance contracts, but does not include an individual who is an employee of the insurer;

"approved securities" means such securities as may from time to time be prescribed to be approved securities;

"assets" does not include goodwill;

"assignment" in relation to a policy, does not include a surrender of the policy to the company liable under the policy;

"association of underwriters" means an association of individual underwriters organised according to the system known as Lloyd's whereby every underwriting member of a syndicate becomes liable for a separate part of the sum secured by each policy subscribed to by that syndicate limited or proportionate to the whole sum thereby secured;

"broker" means any individual who or any firm or company which for compensation as an independent contractor in any manner solicits, negotiates or procures insurance or the renewal or continuance thereof on behalf of existing or prospective policy holders;

"carrying on insurance business" includes the receipt of proposals for or the issuing of

policies of insurance in Trinidad and Tobago or the collection or receipt in Trinidad and Tobago of renewal premiums on policies issued in Trinidad and Tobago by an insurer or through an agent or as an agent but does not include—

(*a*) the collection or receipt in Trinidad and Tobago of renewal premiums under a policy issued outside of Trinidad and Tobago to a person who is temporarily resident in Trinidad and Tobago but at the date of issue of the policy was resident outside of that country; or

(*b*) the making of payments due under any such policy;

"chief executive officer" means a person employed by an insurance company, who either alone or jointly is, subject to any directions of the directors of the company, responsible for the conduct of all the insurance business of the company;

"class" means any class of insurance business specified in the First Schedule; First Schedule.

"company" means a body corporate which carries on or proposes to carry on insurance business in Trinidad and Tobago;

"controller" means a director or a chief executive officer of a company or any person who is entitled to control at least one-third of the voting power at any general meeting of the company; a controller of a company which has an insurance company as a subsidiary shall be deemed to be a controller of the insurance company;

"court" means a court of competent jurisdiction;

"financial year" in relation to an insurer, means each period not exceeding twelve months at the end of which the balance of the accounts of the insurer is struck;

"foreign company" means a company which is incorporated outside of Trinidad and Tobago;

"general insurance business" means insurance business of any class other than long-term insurance business;

"industrial policy" means a policy in respect of which the premiums are contracted to be paid at intervals of less than two months and are contracted to be received by means of collectors and includes—

(*a*) a policy which at any time was an industrial policy; and

(*b*) a paid-up policy, not being a policy expressed to be an ordinary policy granted in lieu of an industrial policy or of a policy referred to in paragraph (*a*);

"insurance business" means the business of or in relation to the issue of or the undertaking of liability under policies to make good or indemnify the insured against any loss or damage including liability to pay damages or compensation contingent upon the happening of a specified event but does not include—

(*a*) business in relation to the benefits provided by a friendly society or a trade union for its members or their dependents; or

(*b*) business in relation to a scheme under which superannuation benefits, pensions or payments to employees or their dependents on retirement, disability or death are provided by an employer, or his employees, or by both, wholly through an organisation established solely for those purposes by the employer or his employees, or by both;

"insurer" means a company registered to carry on insurance business in Trinidad and Tobago and includes an underwriter and an association of underwriters, but does not include an insurance agent as such nor, where an insurance agent is also an insurer, it does

not refer to that part of his business done as an insurance agent;

"local company" means a company incorporated under the Companies Ordinance or any other written law; Ch. 31. No. 1. (1950 Ed.)

"long-term insurance business" includes insurance business of all or any of the following classes:

(*a*) ordinary long-term insurance business;

(*b*) industrial life insurance business; and

(*c*) in relation to any company, insurance business carried out by the company as incidental only to either of the classes of business referred to in paragraphs (*a*) and (*b*);

"Minister" means the Minister to whom responsibility for the subject of Finance is assigned;

"mutual company" means a company whose capital is owned by the policy-holders of the company;

"officer" includes the manager, secretary, treasurer, actuary or any other person designated as an officer of a company by its Articles of Association, its Bye-laws or any Rules regulating its operation;

"paid-up policy" means a policy under which no future premiums are required;

"policy" means any written contract of insurance whether contained in one or more documents;

"policy-holder" means the person who for the time being has the legal title to the policy and includes any person to whom a policy is for the time being assigned;

"policy in Trinidad and Tobago" means in relation to—

(*a*) long-term insurance business, a policy issued or effected by a company registered under this Act upon the life of a person for the time being resident in Trinidad and Tobago;

(*b*) property insurance business, a policy issued or effected by a company registered under this Act upon property situated in Trinidad and Tobago; and

(*c*) any other class of insurance business, a policy issued or effected by a company registered under this Act where the risks covered by the policy are ordinarily situated in Trinidad and Tobago at the time the policy was issued;

"principal representative" means a person appointed by a foreign company pursuant to section 17;

"salesman" means an individual contracted by an insurer or an agent to solicit applications for insurance or negotiate insurance on behalf of the insurer or the agent, as the case may be;

"statutory fund" in relation to a company means a statutory fund maintained by the company under section 37;

"superannuation allowances" includes payment of a lump sum on retirement;

"Supervisor" means the officer designated to be the Supervisor of Insurance under section 4;

"Trinidad and Tobago policy-holder" means the legal holder for the time being of a policy in Trinidad and Tobago;

"underwriter" includes any person named in a policy as liable to pay or contribute towards the payment of the sum secured by the policy.

(2) For the purposes of this Act a person shall not be treated as carrying on insurance business in Trinidad and Tobago if the only reason for so treating the person is the fact that the risk covered by a policy of insurance issued by such person is situated in Trinidad and Tobago.

PART I

ADMINISTRATION

Minister may designate officer to be Supervisor.

4. (1) The Minister may designate a person employed in his Ministry to be the Supervisor of Insurance.

(2) The Minister may, whenever it is considered necessary, cause arrangements to be made for the services of an actuary or any other competent person to be made available for the purpose of advising the Supervisor on matters arising under this Act.

Supervisor to administer Act.

5. The Supervisor shall be charged with the general administration of this Act and in the exercise of his powers and the performance of his duties he shall conform with any general or special directions given to him by the Minister.

Supervisor may delegate powers or duties.

6. (1) The Supervisor may, by instrument in writing, delegate to any person employed in the Ministry of Finance, all or any of his powers or duties under this Act except the power conferred on him by this section.

(2) A delegation under subsection (1)—

(*a*) shall be revocable at will and shall not preclude the Supervisor from exercising the power or performing the duty which has been delegated;

(*b*) may be made subject to a power of review and alteration, within such period as may be specified in the instrument of delegation, by the Supervisor of any act done in pursuance of the delegation.

Annual report and returns to be furnished.

7. (1) The Supervisor shall, within three months after the thirty-first day of December in each year, furnish to the Minister for laying before Parliament—

(*a*) a report on the working of this Act during the year; and

(*b*) printed copies of summaries of the documents lodged with him under sections 56, 60, 113, 184, 185 and 191 during that year.

The Supervisor may attach to any printed copies of summaries furnished pursuant to subsection (1)(*b*) such

comments on the document as he thinks necessary, together with a copy of any correspondence relating to the document.

(3) The Minister shall, as soon as possible after receiving the report of the Supervisor and the printed copies of summaries, cause a copy of the report and the printed copies of summaries to be laid before Parliament.

Supervisor may act as arbitrator.

8. (1) Subject to subsection (2), where in relation to a policy, a dispute or difference arises between a company and a policy-holder, the Supervisor may upon the written request of either party act as arbitrator of the dispute or difference.

(2) An arbitration under this section shall be conducted in accordance with the Arbitration Act.

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Supervisor to maintain registers.

9. The Supervisor shall maintain such registers as may be required or authorised to be maintained under this Act or the Regulations and in particular shall maintain separate registers of—

(*a*) companies which are registered to carry on the various classes of insurance business in Trinidad and Tobago;

(*b*) privately administered pension fund plans; and

(*c*) associations of underwriters.

PART II

REGISTRATION

Non-application of Part.

10. This Part does not apply to a privately administered pension fund plan or to an association of underwriters.

Restriction on carrying on insurance business.

11. (1) Subject to this Act, no person may carry on insurance business in Trinidad and Tobago unless that person is—

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(*a*) a company within the meaning of the Companies Ordinance or any other written law; or

(*b*) a company incorporated outside of Trinidad and Tobago which has an established place of business in Trinidad and Tobago.

(2) A company referred to in subsection (1) shall not carry on insurance business of any of the classes specified in the First Schedule as insurer unless it is registered by the Supervisor in respect of that class of business. First Schedule.

(3) The provisions of subsection (2) shall not apply to a company carrying on insurance business in Trinidad and Tobago immediately before the commencement of this Act so as to require the company—

(*a*) to make a deposit before the expiration of three months; or

(*b*) to be registered, subject to section 15, before the expiration of six months,

from the commencement of this Act.

(4) A company which is carrying on insurance business in Trinidad and Tobago immediately before the commencement of this Act shall not, at any time after the expiration of six months from the commencement of this Act or of such longer period as may be specified in an Order made under subsection (5), carry on any class of insurance business in Trinidad and Tobago unless it is registered by the Supervisor to carry on such class of insurance business.

(5) The Minister may by Order extend the period referred to in subsection (4).

(6) A company which contravenes the provisions of this section is liable on summary conviction to a fine of ten thousand dollars and in the case of a continuing offence to a further fine of one thousand dollars for each day on which the offence is continued after conviction therefor.

12. (1) A local company which is carrying on insurance business in Trinidad and Tobago shall not— Restriction on carrying on insurance business with unregistered insurer.

(*a*) transact insurance business in Trinidad and Tobago with an unregistered insurer;

(*b*) employ an unregistered broker for the transaction of insurance business in Trinidad and Tobago; or

(*c*) carry on insurance business outside of Trinidad and Tobago without the prior approval of the Supervisor, except that a local company

carrying on such business at the commencement of this Act, may, without the approval of the Supervisor, continue to do so for a period of twelve months or such longer period as may be specified in an Order made under subsection (3).

(2) For the purposes of subsection (1)(*c*), the transaction of insurance business does not include the ceding of insurance business to reinsurers outside of Trinidad and Tobago.

(3) The Minister may by Order extend the period referred to in subsection (1)(*c*).

(4) A company which contravenes the provisions of subsection (1) is liable on summary conviction to a fine of five thousand dollars.

Share capital necessary for registration.

13. (1) Subject to this Act, no company may be registered to carry on ordinary long-term insurance business unless it has a paid-up share capital of not less than three million dollars, such capital to be fully paid-up in cash, or in the case of a mutual company unless it has uncommitted reserves of at least three million dollars.

(2) A company which immediately before the commencement of this Act is registered to carry on ordinary long-term insurance business shall within two years of the commencement of this Act increase its paid-up share capital to not less than three million dollars or, in the case of a mutual company increase its uncommitted reserves to at least three million dollars.

(3) Notwithstanding the provisions of subsection (1), a company which is carrying on both ordinary long-term and industrial life insurance business shall be required to have a paid-up share capital of at least three million dollars, such capital to be fully paid-up in cash, or in the case of a mutual company, uncommitted reserves of at least three million dollars.

(4) No company may be registered to carry on any class of insurance business other than ordinary long-term insurance business, unless it has a paid-up share capital of not less than one million dollars, such capital to be fully paid-up in cash, or in the case of a mutual company unless it has uncommitted reserves of at least one million dollars.

(5) A company which immediately before the commencement of this Act is registered to carry on any class of insurance business, other than ordinary long-term insurance business, shall within two years of the commencement of this Act increase its paid-up share capital to not less than one million dollars, or in the case of a mutual company increase its uncommitted reserves to one million dollars.

(6) The provisions of subsections (1), (3) and (4) shall not apply for a period of two years after the commencement of this Act to any company which was registered to carry on any class of insurance business immediately before the commencement of this Act in relation to such class of insurance business.

Application for registration.

14. (1) A company may apply to the Supervisor for registration under this Act to carry on insurance business.

(2) An application shall be made in the prescribed form, shall be signed by a director in the case of a local company and by its principal representative in the case of a foreign company and shall specify—

(*a*) the situation of the head office of the company;

(*b*) the names of the directors and of the auditors and in the case of a foreign company the names and addresses of its principal representatives;

(*c*) the name of the actuary of the company in the case of a company seeking registration to carry on long-term insurance business;

(*d*) the countries outside of Trinidad and Tobago, if any, in which the company carries on insurance business; and

(*e*) the class of insurance business which the company is carrying on or proposes to carry on.

(3) An application shall be accompanied by—

(*a*) a copy of the instrument establishing the company or any other duly certified proof of incorporation;

(*b*) a copy of the Memorandum of the company;

(*c*) a copy of the Articles of Association or other Rules of the company;

(*d*) a copy of the latest revenue account and balance sheet of the company prepared in accordance with the prescribed forms and a copy of the latest actuarial valuation report on the financial position of the company;

(*e*) details of any reinsurance arrangements in respect of each class of insurance business which the company proposes to carry on;

(*f*) except in the case of a company carrying on insurance business immediately before the commencement of this Act, a statement of projections of revenue and expenditure for a period of at least three years, such statement to be prepared by an actuary in the case of a company carrying on long-term insurance business;

(*g*) a statement showing its nominal, subscribed and paid-up capital and the amount of the capital paid-up in cash in the case of a company which has shareholders;

(*h*) a copy of the premium rate book in use or to be used by the company in Trinidad and Tobago, in the case of a company carrying on or proposing to carry on long-term insurance business;

(*i*) specimens of the various standard forms of proposals and policies to be used and issued in Trinidad and Tobago;

(*j*) such further information as the Supervisor considers necessary for the purpose of determining whether or not the company is capable of complying with the requirements of this Act.

Application for registration by companies carrying on insurance business before commencement of this Act.

15. (1) Every company carrying on insurance business in Trinidad and Tobago immediately before the commencement of this Act shall, within three months of the commencement of this Act, apply for registration in accordance with section 14.

(2) The Supervisor shall, where he is satisfied that all the requirements of this Act governing registration have been complied with, register the company as soon as practicable after receiving the application.

(3) Where the Supervisor is not satisfied that the requirements referred to in subsection (2) have been complied with he may grant to the company temporary registration for a period not exceeding twelve months.

(4) Notwithstanding the provisions of subsections (1) and (3) the Minister may, where he is satisfied that the interest of Trinidad and Tobago policy-holders so requires, by Order extend the periods specified in those subsections to such periods as may be specified in the Order.

(5) A company which has not been registered under this Act shall, so long as it continues to be under liability to Trinidad and Tobago policy-holders, comply with the provisions of sections 29 and 37 and such other provisions of this Act as may be applicable to it.

Registration of company.

16. Subject to section 17, a company shall be registered where the Supervisor is satisfied—

(*a*) that the application for registration is made in accordance with the provisions of this Act; and

(*b*) that the company—

(i) is registrable under section 13; and

(ii) is likely to be able to comply with such provisions of this Act as are applicable to it.

Supervisor may refuse to register company.

17. (1) A company shall not be registered in respect of any class of insurance business unless the Supervisor is satisfied that—

(*a*) the company has made in respect of that class of insurance business the deposit required to be made under section 29;

(*b*) the company has made adequate arrangements for the reinsurance of that class of insurance business or that there is no justification for making such arrangements;

(*c*) the managing director or controller of the company is a fit and proper person to manage it or to be a controller thereof;

(*d*) in the case of a company which is carrying on or proposes to carry on some other form of business in addition to insurance business,

the carrying on of that other form of business is not or would not be contrary to public interest;

(*e*) in the case of a foreign company it has appointed a person resident in Trinidad and Tobago to be its principal representative in the country and has informed the Supervisor of the name and address of that person;

(*f*) having regard to the knowledge and competence of its manager and other officers, the company is, in relation to that class of insurance business, capable of carrying on such business efficiently; and

(*g*) that the policy and practice of the company in dealing with claims are conducive to the efficient and speedy settlement thereof.

(2) A company which applies for registration to carry on general insurance business shall not be registered to carry on such business unless, in addition to complying with the requirements of subsection (1), it satisfies the Supervisor that the value of its admissible assets exceeds the amount of its liabilities by at least two hundred and fifty thousand dollars or twenty per cent of its general premium income net of reinsurance premiums computed as at the end of its last financial year whichever amount is the greater.

(3) Information regarding the knowledge and competence of the manager and other officers of the company shall be submitted to the Supervisor in such form as may from time to time be prescribed.

Mode of execution of documents on foreign company.

18. Service of any notice, writ, summons or other document on the principal representative of a foreign company shall be deemed to be service on the company of the notice, writ, summons or other document.

Conditions precedent to appointment of managing director or chief executive officer.

19. (1) No insurance company may appoint a person as its chief executive officer unless—

(*a*) the company has served on the Supervisor a written notice—

(i) stating that it proposes to appoint the person to that position; and

(ii) containing such particulars as may be prescribed; and

(*b*) the Supervisor has—

(i) notified the company in writing that there is no objection to the appointment; or

(ii) failed to serve on the company a written notice of objection within one month from the date on which the company's notice was served on him.

(2) A notice served under subsection (1)(*a*) shall contain a statement signed by the person whom the company proposes to appoint (hereinafter referred to as the "proposed appointee") to the effect that it is served with his knowledge and consent.

(3) Subject to subsections (4) and (5), the Supervisor may serve a notice of objection on a company where it appears to him that the proposed appointee is not a fit and proper person to be appointed to such a position.

(4) The Supervisor shall, before serving a notice of objection on a company, serve on the company and on the proposed appointee a preliminary notice stating that—

(*a*) he is considering the service on the company of a notice of objection on the ground that it appears to him that the proposed appointee is not a fit and proper person to be appointed to such a position; and

(*b*) the company and the proposed appointee may, within seven days from the date on which the preliminary notice was served, make representations in writing to the Supervisor.

(5) The Supervisor shall, before serving a notice of objection, consider any representations made under subsection (4)(*b*).

Condition precedent to becoming a controller.

20. (1) No person may become a controller of an insurance company, except by virtue of an appointment in relation to which section 19 applies, unless—

(*a*) he has served on the Supervisor a written notice—

(i) stating that he intends to become a controller of the company; and

(ii) containing such particulars as may be prescribed; and

(*b*) the Supervisor has—

(i) notified him in writing that there is no objection to his becoming a controller of the company; or

(ii) failed to serve on him a written notice of objection within a period of three months from the date on which the notice referred to in paragraph (*a*) was served on the Supervisor.

(2) The provisions of subsections (3), (4) and (5) of section 19 shall, with the necessary adaptations, apply to this section.

Supervisor to be notified of appointment, etc.

21. Where a person is appointed, becomes or ceases to be chief executive officer or controller of a company, the company shall before the expiration of fourteen days beginning with the day next following that on which the person has been appointed, becomes or ceases to be its chief executive officer or controller, give written notice of such fact to the Supervisor.

Certificate of registration.

22. (1) The Supervisor shall issue to every company registered under this Act a certificate to the effect that the company has been so registered.

(2) A certificate issued under subsection (1) shall—

(*a*) specify the class of insurance business in respect of which the company is registered;

(*b*) be subject to such conditions as the Supervisor may consider necessary to impose; and

(*c*) be *prima facie* evidence that the company named in the certificate has been registered under this Act.

Company to notify Supervisor of any change in particulars specified in the company's application.

23. Where subsequent to the registration of a company under this Act there is any change—

(*a*) in the particulars specified in the application of the company;

(*b*) in the particulars of the documents required under section 14(3)(*a*) to (*e*) and (*g*) to (*i*) to accompany the application; or

(*c*) in any further information which the company is required to furnish under section 14(3)(*j*),

the company shall, within thirty days of such change, notify the Supervisor in writing of the change.

Duty of company to furnish Supervisor with copy of form of policy, form of endorsement or form of application.

24. (1) Every company registered under this Act to carry on any class of insurance business shall, at least one month prior to the date of the issue of a new form of policy or of the use of a standard form of endorsement or of a form of application for a policy, furnish the Supervisor with a copy of the standard form of policy or of the standard form of endorsement or of the form of application.

(2) The Supervisor may prohibit a company from issuing or using a new form of policy, a standard form of endorsement or a form of application for a policy the issue or use of which, in his opinion, is fraudulent, unjust or not in the public interest.

(3) A company which continues to issue or use a form of policy, a standard form of endorsement or a form of application for a policy the issue or use of which is prohibited by the Supervisor under subsection (2) is guilty of an offence.

Cancellation of registration.

25. (1) A company which ceases to carry on insurance business of a class in respect of which it is registered under this Act shall immediately notify the Supervisor in writing to this effect and on being so notified the Supervisor shall subject to subsection (4) cancel the registration of the company in respect of that class.

(2) Where a company is registered under this Act and the Supervisor reasonably believes that the company has not carried on insurance business within a year of its registration or for a period of more than one year he may serve on the company a notice requiring it to satisfy him, within one month after the date of service of the notice, that it is carrying on insurance business in Trinidad and Tobago.

(3) The Supervisor may cancel the registration of a company on which a notice is served under subsection (2) where the company does not, within the time specified in that subsection, satisfy the Supervisor that it is carrying on insurance business in Trinidad and Tobago.

(4) The Supervisor shall not cancel the registration of a company in respect of any particular class of insurance business so long as the company is under liability to Trinidad and Tobago policy-holders whose policies belong to that class unless he is satisfied that—

(*a*) reasonable provision has been or is being made to meet that liability; and

(*b*) adequate arrangements have been or are being made for payment in Trinidad and Tobago of premiums and claims on those policies.

(5) The Supervisor may cancel the registration of a company where—

(*a*) he is satisfied that the company obtained registration as a result of any misleading or false representation;

(*b*) he is satisfied that there is unreasonable delay in the settlement of claims payable under policies issued by it;

(*c*) one month has elapsed since the date before which the company was required under this Act to furnish information to the Supervisor and the company has, without reasonable excuse, failed to furnish the information or failed to do so in the manner specified in this Act;

(*d*) the company is insolvent within the meaning of section 77;

(*e*) any of the reinsurance arrangements of the company is not satisfactory; or

(*f*) a final judgment obtained against the company in any court and from which no appeal is pending remains unsatisfied for at least two months.

(6) The Supervisor shall, when the registration of a company is cancelled—

(*a*) give notice of cancellation to the company; and

(*b*) require the company to deliver its certificate of registration to him within twenty-eight days of the cancellation or such shorter period as may be specified in the notice.

Supervisor to give reasons for refusal to register or for cancellation of registration.

26. The Supervisor shall, where he refuses to register a company or where he cancels the registration of a company, within fourteen days of his refusal to register or of his cancellation of the registration notify the company in writing of his reasons for doing so.

Effect of cancellation of registration.

27. (1) Where the registration of a company is cancelled in respect of any class of insurance business, the company shall not, after the date on which it was notified of the cancellation, enter into any new contract of insurance falling within that class.

(2) For the purposes of subsection (1) a company shall be treated as having entered into a new contract of insurance where a contract of insurance entered into prior to the date of the notification under section 26 is renewed or varied after that date.

(3) Nothing in this section shall be construed as relieving an insurance company the registration of which has been cancelled from the obligation to maintain the deposit required to be made under section 29 and the statutory fund required to be maintained under section 37.

(4) A company which contravenes the provisions of subsection (1) is guilty of an offence.

Appeals.

28. (1) A company which is aggrieved by the decision of the Supervisor to refuse to register it or to cancel its registration may appeal against that decision in the manner specified in section 205.

(2) On appeal the Court of Appeal or a Judge in Chambers, as the case may be, may confirm or reverse the decision of the Supervisor.

Amount and form of deposits.

29. (1) A company may not be registered under this Act to carry on and may not carry on any class of insurance business unless it has made the appropriate deposit prescribed in this section.

(2) A foreign company which intends to carry on long-term insurance business in Trinidad and Tobago shall deposit with the Supervisor the sum of two hundred and fifty thousand dollars.

(3) A company which intends to carry on motor vehicle insurance business shall deposit with the Supervisor the sum of two hundred and fifty thousand dollars

or an amount equivalent to forty per cent of the premium income, net of reinsurance premiums of the company with respect to Trinidad and Tobago motor insurance business during the financial year last preceding the date of the deposit, whichever amount is the greater.

(4) A company which intends to carry on insurance business other than long-term or motor vehicle insurance business shall deposit with the Supervisor the sum of one hundred thousand dollars or an amount equivalent to forty per cent of its premium income net of reinsurance with respect to Trinidad and Tobago insurance business, other than long-term insurance business or motor vehicle insurance business, during the financial year last preceding the date of the deposit, whichever amount is the greater.

(5) At the end of each subsequent financial year a company which made the deposit required to be made under subsection (3) or (4) shall where necessary deposit or be refunded an amount equal to the difference between the last preceding deposit and forty per cent of the relevant premium income during such financial year, but a company shall not at any time have a deposit with the Supervisor of less than two hundred and fifty thousand dollars with respect to motor vehicle insurance business or one hundred thousand dollars with respect to insurance business other than long-term or motor vehicle insurance business.

(6) A deposit made under this section may be in the form of cash or in the form of approved securities or partly in the form of cash and partly in the form of approved securities.

Deposits to form part of assets.

30. (1) All deposits made by a company pursuant to this Act shall be deemed to form part of the assets of the company.

(2) All interest and dividends accruing due on any approved securities deposited under section 29 shall be paid to the company.

(3) A deposit made under section 29 in respect of any class of insurance business shall be retained by the Supervisor until the company ceases to be registered in respect of that class of insurance business or the deposit is required in the winding-up of the company.

(4) Where a company ceases to be registered the deposit or part of it may be further retained for the purpose of and in accordance with any provision for settling liabilities in respect of policies as required by section 25(4).

Application for a release of deposit.

31. (1) A company may apply in writing to the Supervisor for a release of its deposit.

(2) On making an application under subsection (1) the company shall—

(*a*) file with the Supervisor a list of Trinidad and Tobago policy-holders whose risks have not been provided for and who have not surrendered their policies;

(*b*) publish at least once a week for twelve consecutive weeks in the *Gazette* and in at least one daily newspaper circulating in Trinidad and Tobago a notice—

(i) of its intention to apply to the Supervisor for the release of its deposit on a date specified in the notice being a day not less than four months after the date of the publication of the first notice; and

(ii) requesting any policy-holder who is opposed to the release of the deposit to file his opposition with the Supervisor on or before the date specified in the notice.

(3) After the date specified in the notice published pursuant to subsection (2), the Supervisor, with the concurrence of the Minister and where he is satisfied on reasonable grounds that the deposit retained by him is substantially in excess of the requirements of this Act in respect of continuing policy-holders—

(*a*) may release to the company such portion of the excess as he considers proper in the circumstances;

(*b*) shall continue to hold the remainder of the deposit for the protection of continuing policy-holders in the manner provided by this Act; and

(*c*) shall as continuing policies lapse or where proof is adduced that they have been satisfied release from time to time further amounts from the deposit retained by him.

Supervisor may release deposit to liquidator or refund deposit to company.

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32. (1) Notwithstanding the provisions of sections 30 and 31 where a company is in liquidation, the deposit made by the company under section 29 shall on the order of any court having jurisdiction under this Act or the Companies Ordinance be released by the Supervisor to the liquidator.

(2) Where pursuant to section 25 the registration of a company is cancelled because it has not carried on insurance business for either of the periods specified in subsection (2) of that section, the Supervisor shall refund and deliver to the company any moneys or approved securities, or both, deposited by it under section 29.

Supervisor to furnish certificate of deposit.

33. The Supervisor shall, where a company so demands, furnish it with a certificate in writing setting out the nature and extent of any deposit held by the Supervisor under this Act in respect of the company together with particulars of any approved securities forming the whole or part of the deposit.

Deposit to be increased where securities have depreciated.

34. (1) Where the Supervisor is satisfied that by reason of depreciation in the value of securities or for any other cause the value of approved securities deposited by a company under section 29 falls short of the value required by this Act, he shall by notice in writing require the company to deposit with him money or approved securities, or both, to a value which he considers sufficient to bring the amount of the deposit up to the value required by this Act.

(2) A company which fails to deposit with the Supervisor moneys or approved securities, or both, when required to do so by notice under subsection (1) is guilty of an offence and the Supervisor may, where he considers it necessary in the interest of policy-holders, cancel the registration of the company.

Responsibility for lost securities.

35. Where any moneys or approved securities, or both, retained by the Supervisor as, or as part of the deposit required to be made by a company under section 29 are,

while so retained, lost, stolen, destroyed or damaged, the injury or loss suffered by all persons interested in the moneys or the approved securities shall be remedied by the payment of moneys appropriated by Parliament for that purpose.

Substitution of deposit.

36. A company may at any time substitute for any moneys or approved securities retained by the Supervisor as, or as part of the deposit required to be made under section 29, any other moneys or approved securities where the total amount then deposited is not less than the amount required to be deposited under this Act; the moneys or approved securities so substituted shall be subject to the same charge or liability as the moneys or approved securities for which they were substituted.

Statutory Funds

Establishment of statutory fund.

37. (1) Every company registered under this Act to carry on long-term insurance business or motor vehicle insurance business, or both, shall establish and maintain a statutory fund in respect of each such class of business.

(2) The statutory fund shall be established at the date—

(*a*) on which the company commences to carry on either class of business referred to in subsection (1); or

(*b*) of the commencement of its financial year next after the commencement of this Act,

whichever is the later date.

(3) The fund referred to in subsection (1) shall be established and maintained—

(*a*) in the manner set out in subsections (4), (5) and (6); and

(*b*) under an appropriate name in respect of each class of insurance business referred to in subsection (1).

(4) Every company carrying on long-term insurance business in Trinidad and Tobago shall place in trust in Trinidad and Tobago assets equal to its liability and contingency reserves with respect to its Trinidad and

Tobago policy-holders as established by the balance sheet of the company as at the end of its last financial year.

(5) Every company carrying on the motor vehicle insurance business in Trinidad and Tobago shall place in trust in Trinidad and Tobago assets equal to its liability and reserves less the amount deposited on account of such business pursuant to this Act with respect to its Trinidad and Tobago policy-holders as established by the revenue account of the company as at the end of its last financial year.

(6) Assets required to be placed in trust pursuant to subsections (4) and (5) shall be so placed not more than one month after the end of the financial year to which the balance sheet or the revenue account, as the case may be, of the company relates.

Restriction on use of assets representing statutory funds.

38. (1) Subject to subsections (2) and (3) the assets representing each statutory fund of a company shall not be applied directly or indirectly to any class of business other than that in respect of which the fund was established and is being maintained.

(2) Where the value of the assets mentioned in subsection (1) is shown on an actuarial investigation made under this Act to exceed the amount of the liabilities attributable to the class of insurance business referred to in section 37, the restriction imposed by subsection (1) shall not, subject to section 116, apply to so much of those assets as represents the excess.

(3) Nothing in subsection (1) shall be construed as precluding an insurance company from exchanging, at fair market value, assets representing each statutory fund for other assets of the company.

(4) The provisions of subsection (1) shall apply notwithstanding any arrangements for the subsequent repayment to the fund of any money out of the receipts of any other class of insurance business.

(5) Any mortgage or charge (including a charge imposed by a court on the application of a judgment creditor) shall be void to the extent to which it contravenes the provisions of subsection (1).

(6) No insurance company carrying on long-term insurance business or motor-vehicle insurance business and no company of which any such insurance company is a subsidiary, shall declare a dividend at any time when the value of the assets representing each fund established and maintained by the Company as determined in such manner as may be prescribed, is less than the amount of the liabilities attributable to such business.

(7) A company carrying on more than one class of insurance business in respect of which it is required to establish and maintain a statutory fund shall keep such books of accounts and other records as are necessary for the purpose of identifying—

(*a*) the assets representing each statutory fund; and

(*b*) the liabilities attributable to each class of insurance business.

Method of creating trust.

39. (1) A trust referred to in subsections (4) and (5) of section 37 shall be created by trust deed the contents and the trustees of which shall be approved by the Supervisor before the trust is created and the deed shall be in such form as may be prescribed.

(2) Notwithstanding the provisions of subsection (1) the Supervisor may on such terms and conditions as the Minister thinks fit, allow the assets required to be held in trust in Trinidad and Tobago to be placed in trust outside of Trinidad and Tobago.

(3) The Supervisor may for the purposes of this section allow the assets required to be placed in trust to be held by a bank to the order of or on behalf of the Supervisor and such assets shall be deemed to be placed in trust and the bank shall be deemed to be a trustee.

Restriction on trustee dealing with assets.

40. (1) A trustee may not deal with any assets held in trust by him without the prior general or specific approval of the Supervisor.

(2) A trustee shall submit to the Supervisor in such form and at such times as may be prescribed, a list of the assets held in trust by him pursuant to section 39.

(3) A trustee who contravenes the provisions of subsection (1) shall be under the same liability as if the appropriate policy-holders had been beneficiaries of the trust.

Company to furnish particulars of liabilities and assets with respect to fund.

41. A company shall, within three months after the date on which it established its statutory fund and thereafter within six months of the expiration of each of its financial years, furnish to the Supervisor a statement in the prescribed form showing—

(*a*) particulars of the liabilities of the company in respect of which the fund is established, as at the date of the establishment of the fund; and

(*b*) particulars of the assets comprising the fund.

Inaccurate or misleading particulars.

42. (1) Where it appears to the Supervisor that—

(*a*) a statement furnished to him under section 41 is in any respect unsatisfactory, incomplete, inaccurate, misleading or otherwise fails to comply with the requirement of that section; or

(*b*) the value of the assets or of the assets included in a particular class as shown by the statement is insufficient or excessive,

he may, after considering any explanation made by or on behalf of the company, give to the company such directions in writing as he thinks necessary for the variation of the statement or for an increase or decrease in the value of the assets.

(2) A company shall comply with any directions given to it by the Supervisor under subsection (1) within thirty days of receiving them.

Company to furnish Supervisor with information.

43. A company shall where requested by the Supervisor to do so within thirty days of the request furnish him with such information as he considers necessary for the purpose of exercising his powers under section 42.

Appeal against direction by Supervisor.

44. (1) A company aggrieved by a direction of the Supervisor under section 42 may appeal against that direction in the manner specified in section 205.

(2) On an appeal the Court of Appeal or a Judge in Chambers, as the case may be, may confirm, reverse or vary the direction of the Supervisor.

Assets in the statement deemed to be assets in statutory fund.

45. The assets shown as assets of a particular statutory fund in a statement furnished to the Supervisor pursuant to section 41 or in any variation of such statement shall be deemed to form part of the assets of that fund unless they more properly form part of the assets of some other statutory fund.

Investment of assets of statutory fund. Second Schedule.

46. (1) The assets of a statutory fund shall not be invested except in the securities specified in the Second Schedule.

(2) The Minister may from time to time by order amend the Second Schedule.

Local assets ratio.

47. (1) Every company shall invest in assets in Trinidad and Tobago an amount equal to at least eighty per cent of the Trinidad and Tobago dollar liability in each statutory fund.

(2) For the purposes of subsection (1), assets not exceeding ten per cent of the Trinidad and Tobago dollar liability in each statutory fund shall be deemed to be assets in Trinidad and Tobago where such assets—

(*a*) are approved by the Supervisor; and

(*b*) originate in any of the member states of the Caribbean Community.

(3) Where a company establishes and maintains a statutory fund in respect of long-term insurance business for the purpose of determining whether the company is complying with the provisions of subsection (1), policy loans shall be excluded from the assets and deducted from the liabilities of the company.

(4) For the purposes of this section—

"assets in Trinidad and Tobago" means assets which—

(*a*) originate in Trinidad and Tobago;

(*b*) are denominated in Trinidad and Tobago dollars; and

(*c*) are physically held in Trinidad and Tobago;

"Caribbean Community" means the Caribbean Community established by the Treaty done at Chaguaramas on the 4th day of July, 1973.

Prohibitions with respect to acquiring shares or lending funds.

48. (1) A local company shall not after the commencement of this Act directly or indirectly—

(*a*) acquire or deal in its own shares or lend money or make advances on the security of its own shares;

(*b*) lend any of its funds to a director or an officer of the company or to the spouse or a child of a director or of an officer except on the security of the company's own policies; nor shall a company registered under this Act lend any of its funds to another company where more than one-third of the shares of that other company is owned either jointly or severally by a director or an officer of the company or by the spouse or a child of a director or of an officer or by any combination of such persons;

(*c*) grant unsecured credit to any person, except for temporary cover which in the case of general insurance does not exceed forty-five days; and

(*d*) pay any dividend on its shares until all its capitalised expenditure (including preliminary expenses, organisation expenses, share-selling commission and brokerage) not represented by tangible assets, has been completely written off.

(2) The provisions of subsection (1) shall apply to a foreign company in respect of such insurance business as the company is carrying on in Trinidad and Tobago.

Investments to be made in corporate name.

49. (1) All investments and deposits of the funds of a local company shall be made in its corporate name and no director or officer of the company and no member of a committee which can exercise any authority over the investment or disposition of the funds of the company shall—

(*a*) either directly or indirectly be a beneficiary or accept any fee, brokerage, commission,

gift or other consideration for or on account of any loan, deposit, purchase, sale, payment or exchange made by or on behalf of the company;

(*b*) be pecuniarily interested in any purchase, sale or loan made by or on behalf of the company, whether as principal or agent and whether solely or jointly,

save that where the director, officer or member of the committee is a policy-holder he is entitled to all the benefits accruing to him under the terms of his contract.

(2) Nothing in this section shall be construed as precluding a local company from making in the name of or transferring or assigning to another person or company the investments and deposits necessary to comply with the laws of any state or country where—

(*a*) the local company transacts or is about to transact insurance business in that state or country; and

(*b*) the laws of the state or country require that the investments and deposits shall be made in the name of or be transferred or assigned to any person or company other than the local company.

(3) In this section and in section 48 "funds" means all funds of a company.

Accounts, Balance Sheets, Records and Audit

Duty of company to keep books vouchers, etc.

50. (1) Every company shall keep at its head office or at the office of its principal representative in Trinidad and Tobago, as the case may be, such books, vouchers, records, receipts and other documents as may be necessary to enable it to prepare for transmission to the Supervisor, a statement of the insurance business carried on by it in Trinidad and Tobago.

(2) The statement referred to in subsection (1) shall be in such form as may be prescribed.

(3) The Supervisor may examine the books, vouchers, records, receipts and other documents relating to the insurance business carried on by a company in Trinidad

and Tobago and the schedules or other documents relating to or forming part of such business in order to verify the accuracy of the statement transmitted to him pursuant to subsection (1).

(4) In the exercise of the power conferred on him by subsection (3) the Supervisor or a member of his staff authorised by him in writing to do so may enter the offices of a local company or of its agents or in the case of a foreign company the offices of its principal representative or of its agents.

(5) A company shall cause its books, vouchers, records, receipts, schedules and other documents to be readily available for examination and shall assist as far as possible in facilitating the examination.

Supervisor may request information in order to ascertain ability of company to meet its obligations.

51. (1) The Supervisor may require any company registered under this Act or the director, manager, auditor, actuary or secretary thereof to furnish him within such time as he may specify, with such information as may be necessary to ascertain the ability of the company to meet its obligations under policies issued by it.

(2) A company or any director, manager, auditor, actuary or secretary thereof who without reasonable excuse fails to comply with the requirements of subsection (1) is guilty of an offence.

Supervisor may request appraisement of real property.

52. (1) Where on a perusal of the information furnished pursuant to section 51(1) it appears to the Supervisor—

(*a*) that the value placed by the company on any real property owned by it in Trinidad and Tobago is too great; or

(*b*) that the property is not adequate security for any loan secured by mortgage on such property and the interest thereon,

he may request the company to have the real property appraised by a valuator approved by him and failing compliance with such request he may cause an appraisement of the real property to be done at the expense of the company.

(2) Where the appraised value of the real property of a company is substantially less than the value disclosed in the information furnished pursuant to section 51(1) the

Supervisor may, in order to ascertain the ability of the company to meet its obligations, substitute the appraised value for the value disclosed.

(3) Where the appraised value of the real property of a company is not adequate security for a loan secured by mortgage on such property and the interest thereon the Supervisor may write off from the loan and the interest a sum sufficient to reduce them to such amount as may be fairly realisable from the sale of the real property; but the reduced sum shall in no case exceed the appraised value of such property.

(4) A person who is aggrieved by a decision of the Supervisor in the exercise of his power under subsections (2) and (3) may appeal against that decision in the manner specified in section 205.

Apportionment of receipts and payments between insurance business and other business.

53. Where a company is carrying on insurance business and other business and an amount received or paid by the company is not received or paid wholly in respect of that other business the company shall, for the purposes of section 50, apportion the amount in an equitable manner between the insurance business and the other business.

Apportionment of receipts and payments between various classes of insurance business.

54. Where a company is carrying on more than one class of insurance business and an amount received or paid by the company is not received or paid wholly in respect of any one class of insurance business the company shall, for the purposes of section 50, apportion the amount in an equitable manner between the several classes of insurance business to which the receipt or payment may be applicable.

Certificate as to apportionment.

55. Where there is an apportionment under sections 53 and 54 the auditors shall state in their report whether they are satisfied that the apportionment was made in an equitable manner.

Accounts and balance sheets.

56. (1) Subject to this section, every company shall at the expiration of each financial year prepare—

(*a*) a revenue account for the year in respect of each class of insurance business carried on by it;

(*b*) a profit and loss account for that year; and

(*c*) a balance sheet as at the end of the year.

(2) Where a company is carrying on long-term insurance business, every balance sheet which it is required to prepare under subsection (1) shall bear a certificate signed by its actuary or the consulting actuary stating whether or not, in his opinion, the aggregate amount of the liabilities of the company in relation to its long-term insurance business at the end of its financial year exceeded the aggregate amount of the liabilities shown in the balance sheet of the company.

(3) Every revenue account, profit and loss account or balance sheet shall be prepared in such form as may be prescribed.

Audit.

57. (1) The accounts of every company shall be audited annually by its auditors, and every revenue account and balance sheet required to be prepared by the company under section 56(1) shall be accompanied by a report of the auditors addressed to the Supervisor, stating whether in their opinion—

(*a*) the accounts have been prepared in accordance with the provisions of this Act;

(*b*) the revenue account and the profit and loss account present fairly the results of the company's operations for the financial period to which they relate;

(*c*) the balance sheet presents fairly the state of the company's affairs at the end of the financial period to which it relates;

(*d*) adequate records of account have been maintained by the company and are reasonably up to date;

(*e*) the reserves relating to unexpired policies have been calculated in accordance with the provisions of section 168; and

(*f*) the provisions regarding the settlement of outstanding claims are adequate, having regard to the latest estimated cost of settlement of such claims.

(2) The provisions of subsection (1)(*e*) and (*f*) shall apply only to a company carrying on general insurance business in Trinidad and Tobago.

(3) Where the auditors, for the purpose of exercising the powers conferred on them by subsection (1)—

(*a*) are unable to obtain all the information they require; or

(*b*) are not completely satisfied with the information contained in the accounts on which they are reporting,

they shall in their report specify the matters in respect of which they were unable to obtain or are not completely satisfied with such information.

Appreciation and depreciation of assets.

58. Where a company treats any asset as having appreciated or depreciated in value the company shall for the purposes of sections 53, 54, 55 and 56 regard the amount of the appreciation or depreciation as an item of income or expenditure as the case may be.

Restriction on appointment of auditor.

59. (1) No person may be appointed auditor of a company unless—

(*a*) he is a member of the Institute of Chartered Accountants of Trinidad and Tobago or such other professional association as may be prescribed;

(*b*) the company has served on the Supervisor written notice of its intention to make such appointment; and

(*c*) the Supervisor has failed to serve on the company a written notice of objection to the appointment within one month of the date on which the company served notice of the appointment on him.

(2) In this section "person" includes a firm or a partnership.

Documents to be Furnished to the Supervisor

Annual returns.

60. (1) A company shall, at the expiration of its financial year, prepare separate returns in respect of each class of insurance business carried on by it.

(2) The returns referred to in subsection (1) shall be in such form as may be prescribed.

Accounts, balance sheets, etc., to be signed and submitted.

61. (1) Every account, balance sheet, abstract, statement and return which a company is required by this Act to prepare shall be printed and shall be signed by a director and the Secretary of the company.

(2) Every account, balance sheet, abstract, statement or return, signed in accordance with subsection (1) and at least five printed copies of each of these documents, shall be submitted to the Supervisor—

(*a*) in the case of accounts, balance sheets and returns required to be prepared under sections 56 and 60, within six months after the expiration of the financial year in respect of which they are prepared; and

(*b*) in the case of the abstracts, statements or reports required to be prepared under sections 113 and 185, within nine months after the date on which the investigation was made.

(3) In addition to the documents required to be submitted under subsection (2) a company incorporated outside of Trinidad and Tobago which is carrying on insurance business in Trinidad and Tobago is required to submit to the Supervisor two audited copies of the statements or accounts submitted to the supervising authority in the country of incorporation.

(4) The statements or accounts referred to in subsection (3) shall be submitted within six months after the expiration of the financial year in respect of which they are prepared.

(5) Every account and balance sheet submitted with the Supervisor in accordance with the provisions of this section shall be accompanied by a copy of any report on the business of the company submitted to the shareholders or the policy-holders of the company in respect of the financial year to which the account or balance sheet relates.

(6) Where it appears to the Supervisor that any account, balance sheet, abstract, statement or return lodged with him by a company in accordance with this section—

(*a*) is in any particular unsatisfactory, incomplete, incorrect or misleading; or

(*b*) does not comply with the requirements of this Act;

he may, by notice in writing served on the company, require such explanations as he considers necessary to be made by or on behalf of the company within such time, being not less than thirty days, as is specified in the notice.

(7) After considering any explanations made by or on behalf of the company or where no explanations were made within the time specified in the notice, the Supervisor may reject the account, balance sheet, abstract, statement or return and give such directions as he thinks necessary—

(*a*) for varying any of them within such time, being not less than thirty days, as he may specify; and

(*b*) for varying any other account, balance sheet, abstract, statement or return affected by the variation,

and the company shall comply with any directions so given.

(8) A company which is aggrieved by a rejection of its account, balance sheet, abstract, statement or return or by any direction given to it by the Supervisor under subsection (7) may appeal against the decision in the manner specified in section 205.

(9) On an appeal the Court of Appeal or a Judge in Chambers may confirm, reverse or vary the decision of the Supervisor.

Offence for company not to lodge documents within the time specified.

62. A company which fails to submit any account, balance sheet, abstract, statement or return with the Supervisor within the time specified in section 61(2) is liable on summary conviction to a fine not exceeding five hundred dollars for each day on which there is non-compliance with the requirements of the section.

Copies to be furnished.

63. A printed copy of the latest account or balance sheet of a company lodged with the Supervisor in accordance with section 61 shall, on the application of a shareholder of the company, be forwarded to him by the company.

Power of Supervisor to request information.

64. (1) The Supervisor may require a company registered under this Act to carry on insurance business—

(*a*) to furnish him at such time and in such manner as he may determine with such

information in connection with its insurance business as he may specify;

(*b*) to produce at such time and place as he may determine such books or papers in connection with its insurance business as he may specify; or

(*c*) to produce forthwith to any person authorised in writing by the Supervisor such books or papers as the person may specify.

(2) A person who is authorised by the Supervisor pursuant to subsection (1)(*c*) shall, where requested to do so, produce evidence of his authority to the company.

(3) The power conferred under subsection (1) on the Supervisor or on a person authorised by him may be exercised even where the books or papers are in the possession of another person, save that where the person who is in possession claims a lien on the books or papers the production thereof shall be without prejudice to the lien.

(4) The power conferred under subsection (1) on the Supervisor or on a person authorised by him includes a power—

(*a*) to take copies of or extracts from the books or papers which have been produced; and

(*b*) to require the company or the person in whose possession the books or papers were, or any other person who is or was a director, controller or auditor of the company or who is or was employed by the company to explain any of the contents thereof; or

(*c*) where the books or papers have not been produced, to require the company which or the person who was requested to produce them to give reasons for failing to do so.

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(5) In this section the expression "books and papers" has the meaning assigned to it in the Companies Ordinance.

Power of Supervisor to intervene.

65. (1) Subject to subsection (2) and to section 66, the Supervisor may at any time intervene in the affairs of a company registered under this Act to carry on insurance business.

(2) The power of intervention conferred by subsection (1) shall be exercisable where the Supervisor is satisfied that—

(*a*) the exercise of the power is essential in order to protect policy-holders or potential policy-holders of the company against the risk of the company's inability to meet its liabilities or, where a company is carrying on long-term insurance business, to fulfil the reasonable expectations of policy-holders or potential policy-holders;

(*b*) the company has failed to satisfy any obligation imposed on it by this Act;

(*c*) the company has furnished misleading or inaccurate information to the Supervisor under or for the purposes of any provision of this Act;

(*d*) adequate arrangements have not been or will not be made for the reinsurance of risks against which persons are insured by the company and in respect of which he considers such arrangements to be necessary;

(*e*) an application for registration would be refused if such an application were made at the time of the proposed intervention;

(*f*) a company which is carrying on general insurance business is deemed to be unable to pay its debts under section 77;

(*g*) in the case of a company which is carrying on long-term insurance business, the value of the assets representing the statutory fund maintained in respect of such class of business does not exceed the liabilities of that business;

(*h*) there has been unreasonable delay in the settlement of claims under policies issued by the company.

Supervisor to serve notice on company of his intention to intervene.

66. (1) The Supervisor shall, before exercising the power conferred on him by section 65, serve on the company a written notice to the effect that—

(*a*) he is considering exercising the power and the ground on which it may be exercised;

(*b*) the company may within thirty days of the date on which the notice was served make written representations to the Supervisor.

(2) Before exercising his power of intervention the Supervisor shall take into consideration any representations made to him pursuant to subsection (1)(*b*).

Supervisor may impose requirements on a company.

67. (1) The Supervisor may, where he exercises his power of intervention, require the company by instrument in writing—

(*a*) to refrain, from the date specified in the instrument—

(i) from effecting any contracts of insurance either generally or with respect to a specified class whether or not the effecting of the contract falls within a class of insurance business which the company is authorised to carry on; or

(ii) from varying any existing contracts;

(*b*) to limit to a specified amount the aggregate amount of premiums to be written by the company whether the aggregate relates to premiums to be received by the company or to the aggregate after deducting any premiums payable by the company for reinsuring the liabilities in consideration of which premiums are to be received;

(*c*) to refrain from making investments of a specified class or description;

(*d*) to realise, before the expiration of the period specified in the instrument, the whole or a specific proportion of investments of a specified class or description held by the company;

(*e*) to prepare and submit at earlier dates and with greater frequency the documents required to be prepared under section 56 and to be submitted to the Supervisor under section 61(2);

(*f*) to have an actuary or any other person appointed by the Supervisor investigate the financial position of the company in respect of its insurance business or any part thereof

and to submit to the Supervisor a report of the investigation on or before a specified date; or

(*g*) to take such action as appears to him to be necessary for the purpose of protecting policy-holders or potential policy-holders of the company against the risk that the company is or is likely to be unable to meet its liabilities or, in the case of a company carrying on long-term insurance business, to fulfil the reasonable expectations of policy-holders or potential policy-holders.

(2) The Supervisor may request a company to comply with any or all of the requirements of subsection (1)(*a*) to (*g*) whether or not the power to intervene is exercisable under section 65(2).

(3) The provisions of subsection (2) shall apply only—

(*a*) within five years of the registration of a company under this Act; or

(*b*) where a person has become a controller of a company, within five years of his becoming a controller.

(4) The Supervisor may, where he considers it desirable to do so rescind or vary any requirement imposed by him on a company pursuant to subsection (1).

(5) Notice of the imposition of a requirement or of the rescission or variation thereof may be published in the *Gazette* and in a daily newspaper circulating in Trinidad and Tobago.

JUDICIAL MANAGEMENT AND WINDING-UP

Application for judicial management.

68. (1) The Supervisor may apply to the Court for an order that a company or any part of the business of a company be placed under judicial management where, after exercising his power of intervention under section 65(1) he is of the opinion that it is necessary or proper to apply for such an order.

(2) A company may, after giving the Supervisor one month's notice in writing of its intention to do so apply to the Court for an order that it or any part of its business be placed under judicial management.

(3) The company and the Supervisor are both entitled to be heard on any application made to the Court for an order under this section.

(4) Where an application is made under this section for an order in respect of any company, all actions and the execution of all writs, summonses and other processes against the company shall, by virtue of this section, be stayed and shall not be proceeded with, without the prior leave of the Court or unless the Court directs otherwise.

Judicial management.

69. (1) An order for the judicial management of a company or of any part of the business of a company shall be subject to the provisions of this section and of sections 70 to 75.

(2) The Court shall appoint a judicial manager who shall receive such remuneration from the company as it directs and it may at any time cancel the appointment and appoint some other person as the judicial manager.

(3) The Court may, if it thinks fit, charge the remuneration charges and expenses of the judicial manager on the property of the company in such order of priority, in relation to any existing charges on that property, as it thinks fit.

(4) Where the Court by order directs that a company or any part of the business of a company be placed under judicial management, the management of the company or of that part of its business to which the order relates shall, on and after the date specified in the order, vest exclusively in the judicial manager.

(5) A person who is appointed judicial manager shall not except with the leave of the Court, issue any new policies except paid-up policies.

(6) The Court shall from time to time issue to the judicial manager such directions regarding his powers and duties as it considers necessary.

(7) The judicial manager shall act under the control of the Court and may at any time apply to the Court for instructions as to the manner in which he shall conduct the judicial management or in relation to any matter arising in the course of the judicial management.

(8) The judicial manager shall give the Supervisor ruch information as the Supervisor may from time to time sequire and shall report to the Supervisor whenever he intends to apply to the Court for instructions and shall, at the same time furnish the Supervisor with particulars of the application.

(9) The Supervisor is entitled to be heard on any application made pursuant to subsection (7) and may himself make an application to the Court to be heard on any matter relating to the conduct of the judicial management.

Report by judicial manager.

70. (1) The judicial manager shall conduct the management with the greatest economy compatible with efficiency, and shall as soon as possible after his appointment, file with the Court a report stating which of the following courses is in the circumstances, in his opinion most advantageous to the general interests of the policy-holders of the company:

(*a*) the transfer of the business of the company to some other company in pursuance of a scheme to be prepared in accordance with this Part (whether the policies of the business continue for the original sums insured, with the addition of bonuses that attached to the policies, or for reduced amounts);

(*b*) the carrying on of its business by the company (whether the policies of the business continue for the original sums insured, with the addition of bonuses that attach to the policies, or for reduced amounts);

(*c*) the winding-up of the company or of any part of the business of the company; or

(*d*) the dealing with part of the business of the company in one manner, and with another part in another manner.

(2) The judicial manager shall, as soon as he has filed the report, furnish a copy thereof to the Supervisor and make a written application to the Court for an order to give effect to the course stated in the report.

(3) The report or a copy thereof shall be open for inspection by any person during official hours at the registry of the Court in which the report is filed or at such other place as the Supervisor determines.

Decision of court on report of judicial manager.

71. (1) The Court shall on the hearing of an application made under section 70(2)—

(*a*) after hearing the Supervisor, the judicial manager and any other person who in the opinion of the court ought properly to be heard; and

(*b*) after considering the report of the judicial manager,

make an order giving effect to the course which it considers in the circumstances to be most advantageous to the general interest of the policy-holders of the company.

(2) The order of the Court shall be binding on all persons, and shall have effect notwithstanding anything in the instruments constituting the company or in the Articles of Association or other Rules of the company.

Transfer of business to another company.

72. Where an order is made by the Court for the transfer of the business of a company to some other company the judicial manager shall prepare a scheme for the transfer in accordance with this Part and until the scheme is confirmed by the Court under this Part the management of the company shall continue to be vested in the judicial manager.

Cancellation of contracts or agreements.

73. The Court may, either of its own motion or on the application of the judicial manager, at any time while an order made under section 69 is in force with respect to a company, after hearing all persons who, in the opinion of the Court are entitled to be heard, cancel or vary, either unconditionally or subject to such conditions as the Court thinks just, any contract or agreement, other than a policy between the company and any other person, which the Court is satisfied is detrimental to the interests of the policy-holders.

Indemnity.

74. The judicial manager shall not be subject to any action, claim or demand by, or liability to, any person in respect of anything done or omitted to be done in good faith in the exercise of or in connection with the exercise of the powers conferred on him under this Part.

Cancellation of judicial management order.

75. (1) The judicial manager or any interested person may at any time apply to the Court for the cancellation of an order made by the Court under section 68(1).

(2) Where an application is made under subsection (1) the Court may cancel the order if it appears to it that—

(*a*) the purpose of the order has been fulfilled; or

(*b*) it is undesirable for the order to remain in force.

(3) Upon the cancellation of an order the judicial manager shall be divested of the management which shall thereupon vest in the board of directors or other governing body of the company.

Court may order winding-up. Ch. 31. No. 1. (1950 Ed.)

76. (1) The Court may order the winding-up of a company in accordance with the Companies Ordinance but subject to this section, sections 68 to 83 and to the modification that the company may be ordered to be wound-up—

(*a*) on the petition of ten or more policy-holders owning policies of an aggregate sum assured of not less than one hundred thousand dollars; or

(*b*) on the petition of the Supervisor.

(2) A petition shall not be presented except by leave of the Court, and such leave shall not be granted unless—

(*a*) a *prima facie* case has been established to the satisfaction of the Court; and

(*b*) security for costs for such amounts as the Court may think reasonable has been given.

(3) The Supervisor shall be a party to any proceedings under the Companies Ordinance relating to the winding-up of a company and the liquidator in such a winding-up shall give him such information about the affairs of the company as he may from time to time require.

(4) A reference in this section to a company shall include a company which has ceased to be registered under this Act but remains under any liability in respect of Trinidad and Tobago policy-holders.

Margin of solvency for general business. Ch. 31. No. 1. (1950 Ed.)

77. (1) A company carrying on general insurance business shall be deemed for the purposes of the Companies Ordinance to be unable to pay its debts where the value of

its admissible assets does not exceed the amount of its liabilities by whichever is the greater of the following amounts:

(*a*) two hundred and fifty thousand dollars; or

(*b*) twenty per cent of the general premium income of the company computed as at the end of its last financial year,

and the provisions of this Act relating to the winding-up of a company shall apply to such a company.

(2) For the purposes of this section—

(*a*) in computing the amount of the liabilities of a company, all contingent and prospective liabilities of the company in respect of policies shall be taken into account and shall be estimated in accordance with such rules as may be prescribed, but no account shall be taken of the liabilities of the company in respect of its share capital; and

(*b*) the general premium income of a company in any year shall be taken to be the net amount, after deducting any premiums paid by the company for reinsurance received by the company in that year in respect of all insurance business other than long-term insurance business.

Procedure on winding-up.

78. (1) An order of the Court for the winding-up of a company shall be subject to the provisions of sections 79 to 82.

(2) On making an order for the winding-up of a company, the Court shall appoint a liquidator.

(3) Subject to subsections (4) and (6) the liquidator shall act under the control of the Court and may apply to the Court at any time for instructions as to the manner in which he shall conduct the winding-up or in relation to any matter arising in the course thereof.

(4) The liquidator may, in the case of a company which was carrying on long-term insurance business, continue to carry on the business with a view to its being transferred as a going concern to another insurance company, whether in existence or being formed for that purpose.

(5) For the purposes of exercising his functions under subsection (4), the liquidator may agree to the variation of any contracts of insurance in existence at the date of the order but he shall not effect any new contracts of insurance.

(6) Where the liquidator is satisfied that the interests of the creditors in respect of liabilities of the company attributable to its long-term insurance business require the appointment of a special manager, he may apply to the Court for such an appointment.

(7) The Court may on an application under subsection (6), appoint a special manager to act during such time and with such powers as the Court may direct.

(8) The Court shall give to the liquidator such directions as may appear necessary or desirable for the purposes of the winding-up.

(9) The liquidator shall furnish the Supervisor with such information as the Supervisor may from time to time require and shall report to him whenever he intends to apply to the Court for instructions; particulars of the application shall be furnished simultaneously with the report.

(10) The Supervisor is entitled to be heard on an application under subsection (9) and may himself make an application to the Court to be heard on any matter relating to the conduct of the winding-up.

(11) A liquidator or a special manager, or both, shall receive such remuneration as the Court directs and the Court may at any time cancel the appointment of a liquidator or a special manager and appoint some other person as such.

Ascertainment of value of liability under policies.

79. (1) The liquidator shall ascertain, in such manner and on such basis as the Court may approve, the value of the liability of the company to every person who, according to the books of the company, is entitled to or is interested in a policy issued by the company and shall in such manner as he thinks proper give notice to every such person of the value so ascertained.

(2) A person to whom notice is given under subsection (1) shall be bound by the value ascertained by the liquidator unless he disputes the valuation in such manner and within such time as is prescribed by Rules of Court or as the Court, in any particular case, by order directs.

Application of certain assets.

80. (1) The value of the liabilities and of the assets of the statutory fund of a company shall, on the winding-up of the company, be ascertained separately from the value of any other liabilities or from the value of any other assets of the company, and no assets of the statutory fund shall be applied to the discharge of any liabilities other than those in respect of that statutory fund except in so far as those assets exceed the liabilities of that statutory fund.

(2) Where, on the winding-up of a company the liabilities and assets of a statutory fund of the company have been ascertained and there is a surplus of the assets over the liabilities, there shall be added to the liabilities of that statutory fund an amount equal to the proportion of the surplus equivalent to the proportion of the profits, if any, in the class of insurance business to which the statutory fund relates, which was allocated to shareholders and policyholders during the ten years immediately preceding the commencement of the winding-up.

(3) The assets of the statutory fund referred to in subsection (2) shall be deemed to exceed the liabilities of that statutory fund only in so far as the assets exceed the liabilities after the addition referred to in that subsection, but where it appears to the Court that by reason of special circumstances it would be inequitable for the amount specified to be added to the liabilities of a statutory fund, the amount to be added shall be such amount as the Court directs.

Liability of directors and officers.

81. (1) Where in the course of the winding-up of a company, the Court is satisfied that the amount of a statutory fund has been diminished by reason of any contravention of the provisions of this Act, every person who at the time of the contravention was a director, the principal representative or an officer of the company, shall be deemed in respect of the contravention to have been guilty of misfeasance unless he proves that the contravention occurred without his knowledge and that he used all due diligence to prevent the occurrence thereof.

(2) The Court may assess the sum by which the amount of the statutory fund has been diminished by reason of the misfeasance and may order any person found guilty of misfeasance to contribute to the statutory fund the whole or any part of that sum by way of compensation.

Application of deposits.

82. On the winding-up of a company the Supervisor shall pay to the liquidator all moneys and securities held as a deposit in respect of that company and the liquidator shall, in accordance with the provisions of this Act, apply such moneys and securities towards discharging the liabilities of the company in respect of policies issued by it.

Winding-up of part of business of company.

83. (1) Where the Court makes an order for the winding-up of part of the business of a company a scheme for the purpose of the winding-up shall be prepared and submitted for the confirmation of the Court—

(*a*) by the person who made the application, where an order is made after the hearing of an application under section 68; or

(*b*) by the judicial manager appointed in respect of the company, where the order is made pursuant to section 71;

(2) Any scheme prepared under this section shall provide—

(*a*) for the allocation and distribution of the assets and liabilities of the company between any classes of business affected by the winding-up (including the allocation of any surplus assets which may arise on the proposed winding-up);

(*b*) for any future rights of every class of policy-holders in respect of their policies; and

(*c*) for the manner in which any part of the business of the company may be wound-up and may contain such provisions as are expedient for giving effect to the scheme.

(3) The provisions of sections 78 to 82 shall apply, with such adaptations as are necessary, on a winding-up in accordance with a scheme under this section.

Transfer and Amalgamation

Condition precedent to transfer, or amalgamation of insurance business.

84. (1) A company shall not transfer or amalgamate any class of its insurance business, either in whole or in part, to or with the insurance business of any other company, except in pursuance of a scheme—

(*a*) prepared in accordance with this section and with sections 85 to 87; and

(*b*) confirmed by the Supervisor.

(2) An application for the confirmation of a scheme shall be made to the Supervisor by or on behalf of any company engaged in the transfer or amalgamation, and an application with respect to any matter connected with a scheme or a proposed scheme may be made at any time before it is confirmed, by any person who, in the opinion of the Supervisor, is likely to be affected by the scheme or the proposed scheme.

(3) Where an application is made under subsection (2) the Supervisor shall set a date not less than two months from the date of the application for the hearing thereof.

(4) At the hearing of the application the company is entitled to appear and to be heard either through one of its officers or through a barrister or a solicitor; the Supervisor may hear such other evidence as he considers necessary and any person who, in the opinion of the Supervisor, is likely to be affected by the scheme is entitled to be heard.

(5) A company which is aggrieved by the refusal of the Supervisor to confirm a scheme may appeal against the decision in the manner specified in section 205.

(6) On an appeal the Court of Appeal or the Judge in Chambers may—

(*a*) confirm or reverse the decision of the Supervisor, or

(*b*) confirm the scheme subject to such directions and conditions as may be considered necessary

(7) In the case of a foreign company the provisions of this section shall apply only to the transfer or amalgamation of insurance business relating to its policies in Trinidad and Tobago.

Scheme to set out terms of agreement or deed.

85. A scheme shall set out the terms of the agreement or deed under which it is proposed to effect the transfer or amalgamation and shall contain such further provisions as are necessary to give effect thereto.

Submission, confirmation and effect of schemes.

86. (1) Before a scheme for the transfer or amalgamation of any class of insurance business of a company is confirmed by the Supervisor—

(*a*) certified copies of the assets and liabilities of the companies engaged in the transfer or amalgamation shall be submitted to the Supervisor;

(*b*) a copy of the scheme together with copies of the actuarial and other reports, if any, upon which the scheme was founded, shall be submitted to the Supervisor;

(*c*) copies of the scheme and of every report submitted to the Supervisor or summaries of the scheme and reports approved by the Supervisor shall, unless the Supervisor otherwise directs, be transmitted to every policy-holder of any class of insurance business affected by the scheme by the companies engaged in the transfer or amalgamation, at least fifteen days before the application for confirmation of the scheme is to be heard;

(*d*) notice of the intention to make the application (the notice to contain such particulars as may be prescribed) shall, not less than one month after the copy of the scheme is submitted to the Supervisor, be published in the *Gazette* and in such local newspapers as may be approved by the Supervisor;

(*e*) the scheme shall be open for inspection by any policy-holder or shareholder affected by it, for a period of fifteen days after the publication of the notice, at the office of each company engaged in the transfer or amalgamation;

(*f*) the Supervisor may cause a report on the scheme to be made by an independent actuary and shall cause a copy of the report to be sent to each of the companies engaged in the transfer or amalgamation; and

(*g*) the Supervisor may give directions concerning—

(i) the publication of advertisements of the scheme;

(ii) the giving of notices to share-holders, policy-holders or creditors of the companies;

(iii) the holding of meetings of any company affected and such directions shall be complied with by the person to whom they are given.

(2) When confirmed by the Supervisor, the scheme shall be binding on all persons and shall have effect notwithstanding anything in the instruments constituting the company or in the Articles of Association or in any Rules of the company; the directors of any company affected by the scheme shall cause a copy of the scheme to be filed with the Registrar of Companies.

(3) All expenses incurred by the Supervisor in obtaining the report of any actuary on the scheme shall be defrayed by the companies engaged in the transfer or amalgamation, and any sum due in respect of those expenses may be recovered summarily as a civil debt by the Supervisor from the companies either jointly or severally.

Return to be made in case of transfer or amalgamation.

87. Where any class of insurance business carried on by a company is transferred to or amalgamated with the insurance business of another company, the company to which the insurance business is transferred or the company carrying on the amalgamated insurance business shall, within one month after the transfer or the amalgamation submit to the Supervisor—

(*a*) a certified copy of the agreement or deed under which the transfer or the amalgamation is effected; and

(*b*) a statutory declaration made by the Chairman of the Board of Directors or by the principal representative of the company—

(i) specifying every payment made or to be made to any person in respect of the transfer or amalgamation; and

(ii) stating that to the best of his knowledge and belief no other payment, other than those specified has been or is to be made in money, policies, bonds, valuable securities, property of any description or any other valuable consideration, by or with the knowledge of any parties to the transfer or amalgamation.

PART III

AGENTS, BROKERS, SALESMEN AND ADJUSTERS

Registration of agents, brokers, salesmen and adjusters.

88. (1) No person may, in respect of any class of insurance business, carry on business as broker, a salesman, an adjuster or an agent of an insurance company unless he is registered under this Part.

(2) A person who contravenes the provisions of this section is liable on summary conviction to a fine not exceeding ten thousand dollars and to imprisonment for twelve months.

Application for registration.

89. (1) An application for registration shall be made to the Supervisor in the prescribed form and shall be accompanied by evidence of payment of the prescribed fee and such documents as may be prescribed.

(2) On receipt of an application the Supervisor may request the applicant to furnish such additional information as the Supervisor may consider necessary.

(3) Where a person wishes to be registered as an agent of more than one insurance company a separate application shall be made in respect of each agency.

Restrictions on registration.

90. (1) No person may be registered under this Part to carry on business as a broker, salesman, an agent or an adjuster if he is—

(*a*) under the age of eighteen years in the case of a salesman;

(*b*) under the age of twenty-one years in the case of a broker or an agent;

(*c*) an undischarged bankrupt, unless he has been granted leave to carry on such business by the court by which he was adjudged bankrupt; or

(*d*) mentally ill.

(2) No person may be registered to carry on business as a salesman in respect of any particular class of insurance business where the insurance company by

which or the agent by whom he is employed or contracted at the time of his application for registration as a salesman—

(*a*) is not registered under this Act; or

(*b*) is carrying on the particular class of insurance business in contravention of this Act.

(3) No member, director or controller of a company carrying on brokerage business may be registered as a salesman or an agent.

(4) No director, officer or employee of an insurance company may apply for registration as a broker.

(5) No person registered to carry on business as a salesman or an agent may be registered to carry on business as a broker and no person registered to carry on business as a broker may be registered to carry on business as a salesman or an agent.

Supervisor to register person as salesman, agent, broker or adjuster.

91. (1) Subject to this Part, the Supervisor may either unconditionally or subject to such conditions as he considers necessary, register an applicant as a salesman or an agent of the company by which he was employed or contracted or as a broker or an adjuster in respect of such class of insurance business as may be specified.

(2) The Supervisor may subject to sections 89 and 90 register an applicant as a salesman, an agent, a broker or an adjuster where he is satisfied—

(*a*) that the applicant is a person of good character;

(*b*) that the applicant is competent to carry on business as a salesman, an agent, a broker or an adjuster in the particular class of insurance business in which he applied to be registered;

(*c*) in the case of a person applying to carry on business as a broker, that he has such professional indemnity cover as may be prescribed;

(*d*) in the case of an applicant who, before the commencement of this Part, was carrying on business in Trinidad and Tobago as a broker, a salesman, an agent or an adjuster for a period of not less than three years, that he carried on such business in an efficient manner;

(*e*) in the case of an applicant who, before the commencement of this Part was carrying on business as a broker, that no agreement relating to the preferential offer of insurance business and which is likely to impair the applicant's impartiality in placing insurance business has been made between the applicant and any other person carrying on insurance business;

(*f*) that the applicant has complied with any requirement imposed by Regulations made under this Act relating to the passing of any examination;

(*g*) where the application is for registration to carry on business as a broker, an agent, or an adjuster and the applicant is a body, whether incorporated or not—

(i) that each of the persons managing or controlling the body or each of the partners is a fit and proper person to be registered to carry on such business; and

(ii) that having regard to the competence of the person managing or controlling the body or of the partners and such staff as the body may employ, the body is in relation to any class of insurance business in respect of which the application is made, capable of carrying on business efficiently in the capacity in which it seeks to be registered;

(*h*) in the case of a body corporate applying for registration as a broker that the business will be carried on under the management of an executive director who is a registered insurance broker.

(3) For the purpose of giving a true account of the state of his business the Supervisor shall require a broker to prepare and submit to him at such intervals as may be prescribed balance sheets and profit and loss accounts containing such information as may be prescribed.

(4) The Supervisor shall, where he refuses an application for registration under this Part, notify the applicant in writing of his refusal either generally or in respect of a particular class of insurance business and give reasons for his refusal.

Certificate of registration.

92. (1) The Supervisor shall issue a Certificate of Registration (hereinafter referred to as "a Certificate") to every person registered under this Part.

(2) A Certificate shall be in the prescribed form and shall—

(*a*) be valid for one year from the date of issue and shall be renewable annually on the anniversary date of its issue;

(*b*) state the category and each class of insurance business in respect of which the person is registered; and

(*c*) where the person is registered as an agent or a salesman specify the insurance company in respect of which the person is so registered.

(3) In the case of agents, brokers and adjusters the Certificate shall be prominently displayed at the principal place of business of the person to whom it was issued and a copy thereof shall be similarly displayed at each of the branches in Trinidad and Tobago of the business of such person.

(4) A Certificate shall be *prima facie* evidence that the person named therein has been registered in the capacity stated therein.

(5) A person who—

(*a*) without reasonable excuse fails to comply with the provisions of subsection (3); or

(*b*) displays a Certificate which is not valid, is liable on summary conviction to a fine of five hundred dollars and to a further fine of fifty dollars for each day on which the offence continues after conviction therefor.

Certificate to be produced on request.

93. (1) Every person registered under this part shall produce his Certificate when requested to do so by—

(*a*) the Supervisor or any other person authorised by him in writing;

(*b*) the insurance company or a person in respect of which or whom he is registered to carry on business as a broker, a salesman, an agent or an adjuster;

(*c*) an actual or a prospective client.

(2) A person who fails to comply with the provisions of subsection (1) is guilty of an offence.

Intention to cancel registration.

94. (1) The Supervisor may, by instrument in writing, notify a person who is registered under this Part that he proposes to cancel the registration of the person in respect of all or any of the classes of insurance business he was registered to carry on.

(2) The power conferred on the Supervisor under subsection (1) shall be exercisable where he is satisfied—

(*a*) that registration was granted as a result of any misleading or false representation;

(*b*) that the person has become an undischarged bankrupt;

(*c*) that the person has become mentally ill;

(*d*) in the case of a person who is registered to carry on business as an agent, a salesman or a broker, that the person is not carrying on such business in accordance with sound insurance principles and practice;

(*e*) that the person has demonstrated that he cannot carry on efficiently the class of insurance business which he is registered to carry on, or in the case of a body, whether corporate or otherwise that all the persons managing or controlling the body or all the partners thereof have demonstrated that they cannot carry on efficiently the class of insurance business which they are registered to carry on;

(*f*) that the person has been guilty of unreasonable or repeated delay in transmitting moneys received for the account of an insurer or a client to the person entitled thereto;

(*g*) that one month has elapsed since the date by which such person was required under this Act to furnish information to the Supervisor and the person has without reasonable excuse failed to do so;

(*h*) that the person is guilty of a fraudulent or dishonest practice or any other practice which is generally regarded in the insurance business as being undesirable;

(*i*) in the case of a person who is registered to carry on business as a broker, that he has entered into an agreement relating to the preferential offer of insurance business which is likely to impair his impartiality in placing insurance business or has been guilty of partiality or discrimination in placing insurance business.

(3) The Supervisor shall, on notifying a person that he proposes to cancel his registration, inform that person of the reason for taking the action contemplated by him and also of that person's right to appeal to the Tribunal in accordance with section 98.

(4) Where a person has exercised his right of appeal, the Supervisor may suspend the registration of that person pending the outcome of the appeal; notice of the suspension shall be brought to the knowledge of the person.

(5) The Supervisor shall cancel the registration of a person—

(*a*) where the person fails to exercise his right of appeal within the time specified in section 98; or

(*b*) where on an appeal the decision of the Supervisor to cancel the registration is upheld.

(6) Where the Supervisor suspends or cancels the registration of a person registered under this Part the person shall forthwith surrender to the Supervisor his Certificate and every copy thereof.

(7) A person who fails to comply with the provisions of subsection (6) is liable on summary conviction to a fine of five hundred dollars and to a further fine of fifty dollars for each day on which the offence continues after conviction therefor.

Cancellation of registration.

95. The Supervisor may at any time cancel the registration of a person registered under this Part—

(*a*) where he is satisfied that the person has not carried on business in Trinidad and

Tobago as a broker, an adjuster, an agent or a salesman within a year of his being registered to carry on such business or has not carried on such business in Trinidad and Tobago for a period of more than one year;

(*b*) in the case of a person registered as an agent or salesman, where the Supervisor is satisfied that the registration of the insurance company or the person in respect of which or whom the person was registered to carry on business as agent or a salesman has been cancelled or that the agency or the salesman's contract has been terminated; or

(*c*) where the person requests that his registration be cancelled.

Establishment and composition of Tribunal.

96. (1) For the purposes of section 98 there is hereby established a Tribunal which shall consist of a Chairman who shall be a legally qualified person of not less than seven years' standing and two other members, one of whom shall be a representative of the insurance industry.

(2) The members of the Tribunal shall be appointed by the President and shall, subject to the provisions of subsections (4), (5) and (6), hold office for such period, not exceeding three years as may be specified in the instrument of appointment; but shall be eligible for re-appointment.

(3) A member of the Tribunal other than the Chairman may at any time resign his office by instrument in writing addressed to the Chairman who shall cause it to be transmitted to the President.

(4) The Chairman of the Tribunal may at any time resign his office by instrument in writing addressed to the President.

(5) The President may at any time revoke the appointment of the Chairman or any other member of the Tribunal.

(6) At any meeting of the Tribunal the Chairman and one other member shall constitute a quorum.

(7) The members of the Tribunal shall be paid such remuneration and allowances as may be prescribed.

(8) Subject to this section, the Tribunal may regulate its own procedure.

Appointment of temporary members to Tribunal.

97. Where a member of the Tribunal is for any reason temporarily unable to perform his duties under this Part, the President may appoint some other person to act as a temporary member of the Tribunal during such inability; save that where the member is the Chairman the person appointed to act in his stead shall be a legally qualified person of not less than seven years' standing.

Right of appeal to Tribunal in certain cases.

98. A person who is aggrieved by the decision of the Supervisor to refuse to register him or to cancel his registration as an agent, a broker, a salesman or an adjuster may, within one month of the decision, appeal to the Tribunal established under section 96.

Notice of termination of agency to be given.

99. (1) Where an agency in respect of which a person is registered under this Part to carry on business as agent has been terminated, notice in writing in the prescribed form shall forthwith be given to the Supervisor both by the person and by the insurance company or the person in respect of which or whom he was registered to carry on such business.

(2) Where the contract of a salesman registered under this Part is terminated, notice in writing in the prescribed form shall forthwith be given to the Supervisor by the salesman and by the insurance company by which he was contracted and where the salesman enters into any new contract with an insurance company registered under this Act, notice in writing in the prescribed form shall forthwith be given to the Supervisor by the insurance company.

(3) A person who fails to comply with the provisions of this section is guilty of an offence.

Supervisor may request information.

100. (1) The Supervisor may request in writing from any person registered under this Part or from the person's employer or principal any information relating to the person's business as a broker, a salesman, an adjuster or an agent.

(2) A person who fails to comply with a request made of him under subsection (1) is guilty of an offence.

Agent or salesman deemed to be agent of insurer

101. An agent or a salesman shall, for the purpose of receiving any premium for a contract of insurance, be deemed to be the agent of the insurer notwithstanding any conditions or stipulations to the contrary.

Liability for unlawful contracts.

102. An agent, a broker or a salesman is personally liable to the insured on all contracts of insurance unlawfully made by or through him directly or indirectly with any insurer not registered to carry on insurance business in Trinidad and Tobago in the same manner as if such agent, broker or salesman had been the insurer.

Misleading advertisements.

103. (1) No agent, salesman or broker may make any oral statement or issue or permit to be issued any advertisement, statement, circular, descriptive booklet or other document, or make or permit to be made a statement, by means of any broadcasting or other medium, which misleads or tends to mislead the public.

(2) A person who contravenes the provisions of subsection (1) is guilty of an offence.

Restriction on payment of compensation for placing or negotiating insurance.

104. Where, at the date of placing or negotiating insurance a person is not registered as an agent, a broker or a salesman, no insurer and no officer, employee or agent of the insurer shall pay, agree to pay or allow to be paid to that person compensation or anything of value for placing, negotiating or attempting to place or negotiate insurance or for negotiating the continuance or renewal of insurance, other than reinsurance on lives, property or interests in Trinidad and Tobago.

Rebating.

105. (1) No insurer and no officer, employee or agent of an insurer and no broker or salesman shall directly or indirectly—

(*a*) make or attempt to make an agreement as to the premium to be paid for a policy other than as specified in the policy; or

(*b*) pay, allow or give or offer or agree to pay, allow or give a rebate of the whole or part of the premium stipulated by the policy or any other consideration or thing of value intended to be in the nature of a rebate of premium,

to any person who is insured or is applying for insurance in respect of life, person or property in Trinidad and Tobago.

(2) An insurer or any other person who contravenes the provisions of subsection (1) is guilty of an offence.

Exemption for payment of dividend to salaried employee.

106. Nothing in sections 104 and 105 shall affect any payment by way of dividend, bonus, profit or savings, which is provided for by the policy or shall be construed so as to prevent an insurer from compensating a *bona fide* salaried employee of its head or branch office or the spouse or a child of such employee, in respect of insurance issued by the employing insurer upon the life or property of such person or so as to require such employee to be registered as an agent under this part to effect such insurance.

Insurer to make return to Supervisor.

107. Every insurer shall make a return to the Supervisor in such form and at such times as he requires, showing all persons, partnerships and companies—

(*a*) registered as its agents or salesmen in Trinidad and Tobago;

(*b*) to whom it has, within such period as may be specified in the form, paid or agreed to pay or allowed to be paid directly or indirectly, compensation for placing or negotiating insurance on lives, property or interests in Trinidad and Tobago or negotiating the continuance or renewal of such insurance or for attempting to do so.

Authority of agents.

108. (1) No agent shall—

(*a*) be an agent for more than one insurer;

(*b*) act or purport to act on behalf of more than one insurer;

(*c*) represent himself to the public by advertisement or otherwise as the agent of more than one insurer.

(2) Where an agent is unable to negotiate insurance on behalf of an applicant for insurance with the insurer in respect of which he is registered to carry on business (in this section referred to as "the principal") the agent may procure the insurance from another insurer if that insurer obtains in each case the consent in writing of the principal and files a copy of such consent with the Supervisor within seven days of its receipt.

(3) Notwithstanding the provisions of subsection (1), an agent may with the approval of the Supervisor act on behalf of more than one insurer where he is acting on behalf of each insurer—

(*a*) in respect of a different and separate class of insurance business; or

(*b*) in respect of a different and separate type of insurance business within any one class of insurance business.

(4) The Supervisor may refuse to grant or may revoke an approval granted under subsection (3) where he is satisfied that the granting or continuance of such approval is not in the public interest.

Minister to specify maximum rate of commission.

109. The Minister may by Order specify the maximum rate of commission payable by an insurer to a person in respect of a particular class or risk.

Offence to procure payment of premium by fraudulent representations, etc.

110. An agent or a salesman is guilty of an offence where he—

(*a*) knowingly procures by fraudulent representations payment or the obligation for payment of any premium on an insurance policy; or

(*b*) without being satisfied on reasonable grounds that the discontinuance of a policy is to the benefit of an insured, causes the insured to discontinue that policy.

Offence to fail to pay premium to insurer.

111. (1) An agent, a salesman or a broker is guilty of an offence where he receives money from an insurer for the account of an insured or from a client for the account of an insurer and fails to pay over the same less any commission and other deduction to which he may by agreement be entitled, to the person entitled thereto within thirty days from the date on which he receives such money.

(2) Where an insurer at the request of a broker provides temporary cover on credit for a period not exceeding forty-five days, the broker is liable to the insurer for the premium due in respect of such cover and such premium may be sued for and recovered from the broker as a civil debt.

PART IV

LONG-TERM INSURANCE BUSINESS

Actuarial Investigations

Company to appoint actuary.

112. (1) Every company carrying on long-term insurance business in Trinidad and Tobago shall appoint an actuary, as a member of its staff or as a consulting actuary.

(2) The company shall, within three months of the termination of the appointment of an actuary, appoint another actuary.

(3) Where the appointment of an actuary is terminated, the company shall within fourteen days of appointing another actuary notify the Supervisor in writing of the appointment.

(4) No person may carry out the functions of an actuary unless the Supervisor is satisfied that he is a fit and proper person and possesses the necessary qualifications to carry out such functions.

Actuarial reports and abstracts and statements of long-term insurance business.

113. (1) Every company carrying on long-term insurance business shall, as at the date of the expiration of its financial year expiring next after the date of the commencement of this Act or as at such later date as the Supervisor approves and thereafter every three years or at such shorter intervals as the company notifies the Supervisor to be the intervals adopted by it for the purposes of this section and sections 114 to 116—

(*a*) cause its actuary to make an investigation into its financial condition, including a valuation of its liabilities in respect of every class of long-term insurance business and to furnish the Supervisor with a report of the result of the investigation;

(*b*) cause an abstract of the report of the actuary to be prepared in accordance with such Regulations as may be prescribed; and

(*c*) cause a statement of its long-term insurance business to be prepared in accordance with such Regulations as may be prescribed.

(2) Where a company causes an investigation to be made and the results of the investigation are made public, the company shall cause an abstract of the report of the actuary to be prepared in accordance with such Regulations as may be prescribed.

(3) The company shall cause a separate abstract and a separate statement or, in the case of an investigation referred to in subsection (2), a separate abstract, to be prepared in respect of each class of long-term insurance business carried on by it.

(4) A valuation balance sheet shall be annexed to every abstract prepared under this section.

(5) The valuation balance sheet shall, in accordance with the method approved by the Supervisor, show the net liabilities in respect of policies on Registers in Trinidad and Tobago separately from the net liabilities of other policies.

Provisions relating to valuations.

114. (1) The provisions of subsections (2), (3) and (4) shall apply to valuations made in pursuance of sections 113, 115 and 116.

(2) The basis of valuation adopted shall be such as to place a proper value upon the liabilities, having regard to the average rate of interest from investments and to expenses of management, including commissions, and shall be such as to ensure that no policy shall be treated as an asset.

(3) The value placed on the aggregate liabilities of a statutory fund in respect of policies by reason of the adoption of any basis of valuation shall not be less than it would have been if it had been calculated on the Minimum Basis in accordance with such Regulations as may be prescribed.

(4) The actuary who makes the valuation shall certify whether, in his opinion, the value placed by the valuation on the aggregate liabilities of a statutory fund in respect of policies is not less than the value which would have been placed on those aggregate liabilities if it had been calculated on the Minimum Basis in accordance with such Regulations as may be prescribed.

Actuary to certify dealings with assets of statutory fund.

115. A company shall not pay, apply, allocate or transfer any part of the assets of its statutory fund except with the approval of the Supervisor and on the certificate of its actuary.

Distribution of surplus.

116. (1) Where, as a result of the latest valuation in respect of a company which is either—

(*a*) a valuation made in pursuance of section 113(1); or

(*b*) a valuation, other than a valuation made in pursuance of section 113(1), made in the course of an investigation into the financial condition of the company, being a valuation—

(i) the results of which are made public; and

(ii) in respect of which the provisions of section 113(2), (3) and (5) and section 114 have been complied with,

the valuation balance sheet in respect of the class of long-term insurance business to which a statutory fund relates discloses that the balance of the revenue account or, where there is more than one revenue account in respect of that business, the sum of the balances of the revenue accounts, is greater than the amount of the net liabilities of the company in respect of that business, the company may, with the approval of its actuary and subject to subsection (2), pay, apply, allocate or transfer the surplus or a part of it in a manner consistent with the provisions of the instruments constituting the company and the Articles of Association or other Rules of the company.

(2) The sum of the amount paid or allocated to or for the benefit of the shareholders of the company and the amount transferred to another statutory fund under subsection (1) in respect of that part of the surplus which is derived from participating policies registered in Trinidad and Tobago shall not exceed one-quarter of the amount paid or allocated to or for the benefit of the holders of these policies.

(3) Where in the latest valuation referred to in subsection (1), there were included as liabilities bonuses which—

(*a*) were attached to policies at the date of the commencement of this Act; or

(*b*) become attached to policies as a result of an allocation of surplus made in pursuance of this section,

the company may, without regard to the conditions and limitations specified in subsections (1) and (2), pay or apply, in respect of those bonuses, money forming part of the assets of the statutory fund or a part of any statutory fund which relates to the business in which those policies are included.

Issue of Policies

Rates of premium.

117. (1) A company shall not issue any policy unless the rate of premium chargeable under the policy is a rate which has been approved by its actuary as being suitable for the class of policy to which the policy belongs.

(2) The Supervisor may at any time require the company to obtain and to furnish him with a report by its actuary as to the suitability of the rate of premium chargeable under any class of policy issued by the company and, where the actuary considers that the rate is not suitable, a report as to the rate of premium which the actuary approves as suitable in respect of that class of policy.

(3) Where a requirement is made under subsection (2), the company shall not issue any policy of that class until it has, in accordance with the requirement, obtained the approval of its actuary as to the rate of premium.

(4) When approving a rate of premium under this section in respect of any class of policy an actuary shall have regard to—

(*a*) the maximum rate of commission proposed to be paid to any person; and

(*b*) the maximum rate of reduction of premium to be allowed to any person,

in respect of that class of policy.

Restriction on commission to be paid or reduction of premium to be allowed.

118. Where a rate of premium is approved by an actuary (in this section referred to as "the actuary") in respect of any class of policy the company shall not, except with the approval of its actuary pay or allow in respect of any policy of that class a commission or a reduction of premium at a rate greater than—

(*a*) the maximum rate of commission or reduction of premium to which the actuary had regard when approving the rate of premium; or

(*b*) the maximum rate of commission or reduction of premium payable by the company, immediately prior to the commencement of this Act, in respect of policies of that class, if any, issued at the rate of premium so approved,

whichever is greater.

Form of proposal to be approved by the Supervisor.

119. (1) A company shall not issue or accept any form of proposal or policy unless the standard form has been approved by the Supervisor.

(2) The Supervisor shall not approve a standard form unless it complies with the provisions of this Act or it is not likely to mislead a proponent or a policy-holder.

(3) A form of proposal shall be framed so as to require a person making a proposal for a life policy to specify the place and date of birth of the person whose life is proposed to be insured and the person making the proposal shall supply those particulars to the best of his knowledge and belief.

Company may give notice requiring proof of age.

120. Where a company issues a life policy which provides that proof of age of the life of the insured is a condition precedent to the payment of the sum insured, the company shall unless the age of the life insured has already been admitted by it, issue on or with the policy a printed notice stating that proof of age of the life insured may be required prior to the payment of the sum insured.

Procedure where company declines to accept proof of age tendered.

121. (1) Where a company declines to accept the proof of age tendered in respect of a policy, whether issued before or after the commencement of this Act, the policy-holder or his legal personal representative may apply to a Judge in Chambers, by summons, for an order directing the company to accept the proof tendered.

(2) On an application made under subsection (1), the Judge in Chambers may make such order as he thinks just and such order shall be binding on the company.

Policy not to be avoided by reason only of mis-statement of age of the life insured or other incorrect statement.

122. (1) A policy is not avoided by reason only of a mis-statement of the age of the life insured.

(2) Where there is proof of the true age of the life insured and such age is greater than the age on which the policy is based, the company may vary the sum insured

by and the bonuses, if any, allotted to the policy so that, as varied, they bear the same proportion to the sum insured by, and the bonuses, if any, allotted to the policy before variation as the amount of the premiums which have become payable under the policy as issued bears to the amount of the premiums which would have become payable if the policy had been based on the true age.

(3) Where there is proof of the true age of the life insured and such age is less than the age on which the policy is based, the company shall either—

(*a*) vary the sum insured by, and the bonuses, if any, allotted to the policy so that, as varied, they bear the same proportion to the sum insured by, and the bonuses, if any, allotted to the policy before variation as the amount of the premiums which have become payable under the policy as issued bears to the amount of the premiums which would have become payable if the policy had been based on the true age; or

(*b*) reduce, as from the date of issue of the policy, the premium payable to the amount which would have been payable if the policy had been based on the true age and repay the policy-holder the amount of over-payments of premium less any amount paid as the cash value of bonuses in excess of the cash value which would have become payable if the policy had been based on the true age.

(4) A policy issued after the 10th day of December, 1966 shall not be avoided by reason only of any incorrect statement (other than a statement as to the age of the life insured) made in any proposal or other document on the faith of which the policy was issued or reinstated by the company unless the statement—

(*a*) was fraudulently untrue; or

(*b*) is material in relation to the risk of the company under the policy and was made within the period of three years immediately preceding the date on which the policy is sought to be avoided or the date of the death of the life insured, whichever is the earlier.

Minors may effect policies or take assignments of policies.

123. (1) A minor who has attained the age of ten years but has not attained the age of sixteen years may, with the written consent of his parent or of a person standing in *loco parentis* to the minor—

(*a*) effect a policy upon his own life or upon another life in which he has an insurable interest; or

(*b*) take an assignment of a policy.

(2) A minor who has attained the age of sixteen years—

(*a*) may effect a policy upon his own life or upon another life in which he has an insurable interest; or

(*b*) may take an assignment of a policy; and

(*c*) subject to subsection (3), is as competent in all respects to have and exercise the powers and privileges of a policy-holder in relation to a policy of which he is the holder as he would had he been of full age.

(3) A minor who has attained the age of sixteen years may assign or mortgage a policy with the prior consent in writing of his parent or of a person standing in *loco parentis* to the minor.

(4) This section does not—

(*a*) impose on a minor any liability to which, but for this section, he would not be subject;

(*b*) confer on a minor any power or capacity which, but for this section, he would not have;

(*c*) validate a receipt, a discharge or a surrender of, or security over a policy given by a minor, if, but for this section, that receipt, discharge, surrender or security would not be valid; or

(*d*) validate any assignment of a policy which, but for this section, would not be valid.

Persons who are deemed to have insurable interests.

124. (1) An insurable interest shall be deemed to be had by—

(*a*) a parent of a child under eighteen years of age or a person in *loco parentis* to such a child, in the life of the child;

(*b*) a husband, in the life of his wife;

(*c*) a wife, in the life of her husband;

(*d*) any person, in the life of another upon whom he is wholly or in part dependent for support or education;

(*e*) a company or other person, in the life of an officer or employee thereof; and

(*f*) a person who has a pecuniary interest in the duration of the life of another person, in the life of that person.

(2) Nothing in this section shall be construed as in any way limiting or restricting the meaning of insurable interest as understood at the commencement of this Act.

ASSIGNMENTS AND MORTGAGES OF POLICIES

Assignment of policies.

125. (1) Subject to section 128 every assignment of a policy shall be by deed or by other instrument, if by other instrument, such instrument shall be in accordance with or substantially in accordance with the form set out as Form A or B in the Third Schedule, as the case may require.

Form A and B. Third Schedule.

(2) An assignment is not binding on the company liable under the policy until written notice of the date and purport of the assignment is received by the company at its principal office in Trinidad and Tobago.

(3) Every company shall register in the Register of Policies required to be kept by section 161 (hereinafter referred to as "the Register"), the date and purport of every assignment of which it receives notice and the date on which the notice is received.

(4) A copy of an entry made in accordance with subsection (3), and certified in accordance with section 35 of the Companies Ordinance shall—

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(*a*) as regards the registration and the date of registration of the assignment, be conclusive evidence thereof; and

(*b*) as regards the date on which the notice was received, be *prima facie* evidence thereof.

(5) Priority of claims under any assignment shall be determined according to the order in which notice is received by the company, except that a subsequent assignee does not, by giving notice first, obtain priority over a previous assignment of which he had notice when taking the assignment.

(6) An assignee under a duly registered assignment shall have all the powers and be subject to all the liabilities of the assignor under the policy, and may sue in his name on the policy, but nothing in this section shall be construed so as to admit the assignee to membership of a company or to deprive the assignor of his membership in respect of a policy, except as provided in the instruments constituting the company or in its Articles of Association or other Rules.

(7) The receipt of the assignee shall be a discharge to the company for all moneys paid by the company under the policy.

(8) The company shall be notified in writing of every trust, right, equity or interest created in respect of a policy.

Effect of notice.

126. (1) Notwithstanding anything contained in section 125, a company shall not be entitled to any protection under that section or to rely upon any of the provisions of that section where the company—

(*a*) has not acted in good faith; or

(*b*) has received express notice in writing of any trust, right, equity or interest of any person.

(2) Where a company receives express notice of any trust, right, equity or interest of any person, the company may, if it thinks fit pay to the Supervisor any money payable under the policy, and the receipt of the Supervisor for the money shall be a valid discharge to the company for the money so paid.

(3) Money paid to the Supervisor pursuant to subsection (2), shall be paid by the Supervisor to such person or persons as the Court orders.

Assignment of policy to company not to extinguish rights and liabilities.

127. (1) The rights and liabilities arising under a policy shall not be deemed, either at law or in equity, to be merged or extinguished by reason only of an assignment of the policy, whether at law or in equity, to the company which issued the policy.

(2) Notwithstanding anything to the contrary in section 125, 126 or 128, but subject to subsection (3), no assignment of an industrial policy shall be valid without the consent of the company liable under such policy.

(3) Where the company refuses its consent to the assignment of an industrial policy the policy-holder may appeal to the Supervisor whose decision shall be final.

Policies held by trustees.

128. Where a company is satisfied that a policy has been issued or transferred to or the ownership of a policy is otherwise vested in persons as trustees and those persons are no longer the trustees for the purposes of the trust the company may, if it sees fit, at the request in writing of the persons claiming to be trustees for the time being for the purposes of the trust and on the evidence of a Statutory Declaration by one of those persons verifying the claim, record the names of those persons as the holders of the policy, and thereupon those persons shall become the holders of the policy.

Memorandum of discharge and deed of release.

Form C. Third Schedule.

129. (1) Upon the payment or discharge of any money or other obligation secured by an assignment of a policy, the assignee shall give to the assignor a memorandum of discharge in the form set out as Form C in the Third Schedule and shall, where the assignment was by deed, also execute a deed of release in favour of the assignor.

(2) Upon the presentation of the memorandum of discharge to the company, the company shall register the discharge in the Register.

Existing assignments and notices to continue to have effect. G.N. No. 103 of 1968.

130. (1) Notwithstanding the provisions of regulation 3 of the Insurance (Assignments and Mortgages of Policies) Regulations, (in this section referred to as "the Regulations") the Regulations shall be deemed to have had effect only in respect of policies assigned after the date on which the Regulations came into operation.

(2) Every assignment of a policy made prior to the coming into operation of the Regulations or made under the Regulations and subsisting at the date of the revocation thereof and every notice of an assignment or of a trust, right, equity or interest of any person, if valid when made or given shall, without prejudice to anything contained therein, have effect for all purposes, as if made or given under this Act.

(3) Every assignment registered in a Register in accordance with the Regulations and subsisting at the date of revocation thereof shall be deemed to have been registered in the Register and such registration shall have effect for all purposes as a registration under this Act.

PROTECTION OF POLICIES

Interest of insured to be protected in certain cases.

131. (1) The property and interest of any person in a policy effected before or after the commencement of this Act upon his own life shall not be liable to be applied or made available in payment of his debts by any judgment, order or process of any court.

(2) Where a person who has effected a policy on his life dies after the commencement of this Act, the moneys payable upon his death under or in respect of such policy shall not be applied or made available in payment of his debts by any judgment, order or process of any court, or by retainer by an executor or administrator, or in any other manner, except by virtue of a contract or a charge made by the person whose life is insured, or by virtue of an express direction contained in his will or other testamentary instrument executed by him that the moneys arising from the policy shall be so applied.

(3) A direction to pay debts or a charge of debts upon the whole or any part of the testator's estate or a trust for the payment of debts, shall not be deemed to be an express direction for the purposes of subsection (2).

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(4) Nothing in this section shall affect the provisions of the Bankruptcy Act or of the Married Persons Act.

PAID-UP POLICIES, SURRENDER VALUES AND NON-FORFEITURE

Application to class of policy.

132. (1) Sections 133 to 138 shall not apply to—

(*a*) an instrument securing the grant of an annuity for a term dependent upon human life, not being a deferred annuity, during the period of deferment; or

(*b*) a policy which provides insurance against contingencies none of which may happen, not being a policy which provides for the payment of a sum of money if the life insured by the policy survives a specified period.

(2) The Minister, may on the recommendation of the Supervisor declare by Regulations that the provisions of this section and of sections 133 to 138 shall apply in

respect of any policy or class of policies with such modifications as may be prescribed by the Regulations and where such a declaration is made the provisions of this section and of sections 133 to 138 shall apply in respect of that policy or class of policies accordingly.

Paid-up policies.

133. (1) A policy-holder who desires to discontinue further premium payments on a policy on which not less than three years' premiums have been paid in cash shall where the policy has a cash surrender value, be entitled on application to the company to receive in lieu of that policy a paid-up policy.

(2) Where a paid-up policy is issued pursuant to subsection (1) and the contingency occurs which would have rendered the company liable under the original policy, the company shall thereupon be liable under the paid-up policy.

Surrender of policies.

134. The owner of a policy which has been in force for at least three years, shall, on application to the company, be entitled to surrender the policy and to receive not less than the cash surrender value of the policy less the amount of any debt owing to the company under or secured by the policy.

Supervisor may suspend or vary obligation of company to pay surrender value.

135. The Supervisor may on an application by a company, suspend or vary for such period and subject to such conditions as he thinks fit the obligation of the company to pay surrender values pursuant to section 134 where in his opinion the payment of cash of those surrender values would be prejudicial to the financial stability of the company or to the interests of its policy-holders.

Non-forfeiture of ordinary policies in certain cases of non-payment of premiums.

136. (1) An ordinary policy shall not be forfeited by reason only of non-payment of any premiums (in this section referred to as "the overdue premiums") where—

(*a*) not less than three years' premiums have been paid in cash on the policy; and

(*b*) the surrender value of the policy (calculated as at the day immediately preceding that on which the overdue falls due) exceeds the sum of the amount of the debts owing to the company under, or secured by, the policy and the amount of the overdue premium.

(2) The company may until payment of the overdue premium, charge compound interest on it, on terms not less favourable to the policy-holder than such terms, if any, as may be specified in the policy.

(3) The overdue premium and any interest charged on it under this section which remains unpaid shall for the purposes of this Act be deemed to be a debt owing to the company under the policy.

(4) Notwithstanding the provisions of subsection (1), an ordinary policy on which not less than three years' premiums have been paid in cash shall not be forfeited by reason only of the non-payment of a premium unless, on or after the day on which the premium fell due—

(*a*) the company liable under the policy serves a notice on the policy-holder stating—

(i) the amount due or payable to the company at the date of the notice;

(ii) that the policy will be forfeited at the expiration of twenty-eight days after the date of the notice if a sufficient sum is not paid to the company within that period; and

(*b*) a period of at least thirty days has elapsed after the service of the notice.

(5) For the purposes of subsection (4) a notice posted to the last known address of the policy-holder shall be deemed to be a service of the notice on the policy-holder.

Non-forfeiture of industrial policy in certain cases of non-payment of premiums.

137. (1) An industrial policy on which less than one year's premiums have been paid shall not be forfeited by reason only of the non-payment of any premium, unless the premium has remained unpaid for not less than four weeks after it became due.

(2) An industrial policy on which not less than one year's but less than two years' premiums have been paid shall not be forfeited by reason only of the non-payment of any premium, unless the premium has remained unpaid for not less than eight weeks after it became due.

(3) An industrial policy on which not less than two years' premiums have been paid shall not be forfeited

by reason only of the non-payment of any premium, unless the premium has remained unpaid for not less than twelve weeks after it became due.

(4) Where an industrial policy on which not less than three years' premiums have been paid has been forfeited by reason of the non-payment of any premium, the company shall, without requiring any application from the policy-holder, issue a paid-up policy for an amount not less than that specified in the table included in the policy.

(5) Where a paid-up policy is issued pursuant to subsection (4) and the contingency occurs which would have rendered the company liable under the original policy the company shall thereupon be liable under the paid-up policy.

(6) The company shall notify the policy-holder in writing of the fact that the paid-up policy has been granted and shall specify the amount of the policy and the contingency upon which the policy is payable.

(7) An industrial policy shall not be forfeited by reason only of the non-payment of any premium where the non-payment is as a result of non-collection by the company.

Treatment of debts on issue of paid-up policies.

138. Where in pursuance of any provision of this Part a policy-holder is entitled to receive or a company is required to issue a paid-up policy and there is any debt owing to the company under, or secured by, the policy the company may elect—

(*a*) to treat the debt as a debt secured by the paid-up policy and thereupon the paid-up policy shall be a security for the debt owing to the company; or

(*b*) in ascertaining the amount of the paid-up policy, to reduce the amount by taking into account, on a basis approved by the Supervisor, the debt owing to the company and thereupon the debt shall cease to be owing to the company.

PAYMENT OF POLICY MONEYS

Money payable to beneficiary.

139. (1) Notwithstanding any rule of law to the contrary where a policy of insurance is effected by a person on his own life and is expressed to be for the benefit of a

named beneficiary, the money payable under such a policy shall not, on the death of the policy-holder form part of his estate, but shall be paid to the person named as the beneficiary.

(2) The provisions of subsection (1) shall apply to a policy effected before or after the commencement of this Act.

Payment of policy moneys without production of grant of probate or letters of administration in certain cases.

140. (1) Where under a policy money is payable by a company to the legal personal representative of a deceased person the company may, without requiring the production of any grant of probate or letters of administration, pay the money together with any bonuses, which have been added to the policy, to a person who satisfies the company that he is entitled—

(*a*) under the Will or on the intestacy of the deceased person, to the property of such person; or

(*b*) to obtain probate of the will of the deceased person or to take out letters of administration of his estate, but the company shall not in the aggregate pay to such person more than five thousand dollars and shall retain an amount equal to ten per cent of the total sum due under the policy for payment to the Commissioner of Inland Revenue for the purposes of the Estate Duty and where applicable the Succession Duty due on the estate of the deceased.

(2) Every person to whom money is paid pursuant to this section shall apply the money in administering the estate of the deceased and, if the company thinks fit, it may require those persons to give sufficient security by bond or otherwise that the money paid will be so applied.

(3) Nothing in this section shall affect the provisions of the Married Persons Act.

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Company discharged from further liability in certain cases.

141. Where a company makes a payment pursuant to section 140, the company shall be discharged from all further liability with respect to—

(*a*) the money paid to the Commissioner of Inland Revenue; and

(*b*) the application of the money paid under any policy issued by it.

Declaration that certain requirements have been satisfied may be endorsed on policy in certain cases.

142. (1) Subject to this section, where the holder of a policy, not being the person whose life is insured by the policy, pre-deceases the person whose life is so insured and a person satisfies the company which issued the policy that he is entitled—

(*a*) under the will or on the intestacy of the deceased holder, to the benefit of the policy; or

(*b*) to obtain probate of the will or to take out letters of administration of the estate of the deceased holder;

the company may, without requiring the production of any grant of probate or of letters of administration, endorse on the policy a declaration that the requirements of paragraph (*a*) or (*b*) have been satisfied and that the person is the holder of the policy and thereupon that person becomes, subject to subsection (2), the holder of the policy.

(2) Subsection (1) does not confer on a person declared to be the holder of a policy any beneficial interest in the policy which he would not otherwise have had.

(3) This section applies to a policy referred to in subsection (1) whether the deceased policy-holder dies before or after the commencement of this section.

(4) This section does not apply to—

(*a*) a policy the surrender value of which at the date of the death of the deceased policy-holder, exceeds two thousand dollars; or

(*b*) a policy which is one of two or more policies held by the deceased policy-holder and issued by the same company if the aggregate of the surrender values of those policies at the date of the death of the deceased holder, exceeds two thousand dollars.

(5) For the purposes of subsection (4), the surrender value of a policy is the amount (including any amount in respect of bonus additions) which would be paid by the company issuing the policy upon its surrender.

(6) Nothing in this section shall affect the provisions of the Married Persons Act. Ch. 45:50.

Company may pay money to the Supervisor.

143. (1) A company may pay to the Supervisor any money payable by it in respect of a policy for which, in the opinion of the company, no sufficient discharge can otherwise be obtained.

(2) The receipt of the Supervisor for any money paid under subsection (1) shall be a good and valid discharge to the company for the money so paid, and the money shall be dealt with according to an order made by the court.

Unclaimed money.

144. (1) A company shall, within sixty days of its financial year, deliver—

(*a*) to the Supervisor a statement of all unclaimed moneys as at that date; and

(*b*) to the Comptroller a copy of the statement referred to in paragraph (*a*).

(2) The statement shall specify, in respect of each policy to which it refers—

(*a*) the name and last known address of the person whose life is insured;

(*b*) the name of the policy-holder (if known) and his last known address; and

(*c*) the amount due and the date on which it became due.

(3) The company shall pay to the Comptroller at the time of the delivery of the copy of the statement, the total amount of unclaimed money shown therein, less any amount paid by the company, between its financial year and the date on which the copy of the statement is delivered, to the person to whom the amount was due, and the company shall furnish with the copy of the statement particulars in writing of the amounts paid.

(4) Where unclaimed money is paid to the Comptroller under this section and he is satisfied that, but for this section, a person would have been paid the unclaimed money by the company which made the payment or where that company is no longer carrying on that class of insurance business, by the company to which it sold or disposed of such business, the Comptroller shall pay the unclaimed

money to that company and specify the person to whom that company is to pay the money, and that company shall thereupon pay the money to the person specified.

(5) Where in pursuance of this section a company has paid to the Comptroller an amount in respect of a policy and the company satisfies the Comptroller that the amount paid exceeds the amount which would have been payable under the policy to the policy-holder, the Comptroller shall refund to the company the amount of the excess.

(6) On payment to the Comptroller of unclaimed money in accordance with this section, a company is, subject to subsection (4), discharged from further liability in respect of the amount paid.

(7) There shall be paid from the Consolidated Fund such sums as are necessary to give effect to this section.

(8) A company which fails to comply with any provision of this section is guilty of an offence.

(9) In this section—

"Comptroller" means the Comptroller of Accounts;

"unclaimed moneys" means all sums of money which, after the commencement of this Act, become legally payable by a company in respect of policies but in respect of which the time within which proceedings may be taken for their recovery has expired, and includes sums of money payable on the maturity, after the commencement of this Act, of an endowment policy or an endowment insurance policy which are not claimed within seven years after the maturity date of the policy.

PROVISIONS RELATING TO INDUSTRIAL LIFE INSURANCE BUSINESS

Objection to policies.

145. (1) Where within twenty-eight days of the delivery of an industrial policy by a company—

(*a*) to the policy-holder; or

(*b*) at the place of abode of the policy-holder, to some other person residing at that place and apparently not less than sixteen years of age

and by whom any premium in respect of the policy is paid on behalf of the policy-holder, the policy-holder returns the policy to the company with an objection in writing to any term or condition of the policy, the company shall forthwith refund any premium paid in respect of the policy which shall thereupon be cancelled.

(2) Where an industrial policy is sent by post by a company to the person to whom it is issued, it shall, unless the contrary is proved, be deemed to have been delivered to him at the time at which it would reach him in the ordinary course of post.

(3) For the purposes of this section, a policy shall be deemed to have been returned to a company with an objection if the policy and the written objection are posted for transmission to the company by registered letter.

Return of industrial policy and premium-receipt book after inspection.

146. Where a company which carries on industrial life insurance business, or any person authorised by such company takes possession of an industrial policy or a premium-receipt book or any other document issued in connection with the policy, a receipt for the policy, book or document shall be given to the person from whom it was received, and the policy, book or document shall be returned to that person on demand at any time after the expiration of twenty-eight days from the receipt thereof, unless—

(*a*) it is required for the purposes of evidence in legal proceedings;

(*b*) the policy has been terminated by reason of the satisfaction of all claims arising under it; or

(*c*) in the case of a policy, the company is entitled to retain the policy as security for money owing to the company by the policy-holder.

Falsification.

147. A person who wilfully makes or orders or allows to be made any entry or erasure in or omits any entry or orders or allows any entry to be omitted from a collecting book or a premium-receipt book, with intent to falsify the book or to evade any of the provisions of this Act, is guilty of an offence.

Avoidance of policy by reason of particulars in proposal filled in by agent or servant of a company.

148. (1) Where an agent or a servant of a company writes or fills in or has before the commencement of this Act, written or filled in any particulars in a proposal for an industrial policy with the company, then, notwithstanding any agreement to the contrary between the proponent and the company, a policy issued in pursuance of the proposal shall not be avoided by reason only of an incorrect or untrue statement contained in such particulars unless the incorrect or untrue statement was in fact made by the proponent to the agent or servant for the purposes of the proposal.

(2) The burden of proving that an incorrect or untrue statement was made by the proponent lies on the company.

(3) Nothing in this section shall be deemed to allow the avoidance of any policy for any reason or in any circumstances for or in which the policy could not have been avoided apart from the provisions of this section.

Particulars to be specified in policies.

149. Every industrial policy issued by a company shall contain—

(*a*) an endorsement or a statement in distinctive type specifying whether the policy is or is not a participating policy; and

(*b*) a short statement in a form approved by the Supervisor setting out—

(i) the right of the policy-holder to be granted a paid-up policy;

(ii) the right of the policy-holder to surrender his policy and to receive in cash the surrender value of the policy; and

(iii) the conditions under which the policy may be forfeited.

Issue of premium-receipt book.

150. (1) A company shall, in respect of each industrial policy issued by it, issue to the policy-holder a premium-receipt book.

(2) A company shall not issue or permit to be used one premium-receipt book in respect of two or more policies held by different policy-holders who are not members of the same household.

(3) Every premium-receipt book issued by a company shall contain in respect of each policy to which it relates—

(*a*) an endorsement or a statement in distinctive type of the particulars referred to in section 149;

(*b*) an entry made by the company of the following matters:

(i) the surname and initials of the policy-holder and, where the policy is issued in respect of the life of a person other than the policy-holder, the surname and initials of that person;

(ii) the date and number of the policy;

(iii) the amount of the weekly or other periodical premium; and

(*c*) a notice stating that proof of age may be required before payment of the sum insured.

Premium-receipt book to show date to which premiums have been paid.

151. (1) Every payment in respect of premiums under an industrial policy made to an agent or a servant of the company shall be recorded by the agent or servant in the premium-receipt book so as to clearly indicate the date to which premiums have been paid in respect of the policy or policies to which the premium-receipt book relates, and the record shall—

(*a*) where it is the first entry on a page of the premium-receipt book, be signed by the agent or servant with his usual signature; and

(*b*) where it is not such an entry, be signed by the agent or servant with his usual signature or be initialled by him.

(2) Where a premium-receipt book relates to more than one policy and any payment for premiums on the policies is made which is less than the aggregate of the weekly or other periodical premiums in respect of all those policies, the person making the payment shall be required by the agent or servant of the company to state the policy or policies in respect of which no payment or an insufficient payment is made, and the agent or the servant shall clearly record the fact stated in the premium-receipt book (hereinafter referred to as "the original premium-receipt book").

(3) The company shall, unless the amount of the deficiency referred to in subsection (2) is paid before any further premiums are paid—

(*a*) cause a separate premium-receipt book to be issued in accordance with section 150 in respect of any policy in relation to which the deficiency exists; and

(*b*) cause to be cancelled the particulars and entry relating to any such policy in the original premium-receipt book.

Guarantor not liable to refund commission on lapsed policies.

152. Any provision in an agreement, whether made before or after the commencement of this Act, whereby the guarantor of an agent of any company is or may be required to pay to the company the amount of any commissions repayable by the agent on account of lapsed industrial policies shall be void.

Certificate as to agent's or guarantor's indebtedness not conclusive evidence thereof.

153. Any provision in an agreement whereby the production in any legal proceedings of a certificate signed by an officer or a servant of a company may be deemed to be conclusive evidence of the indebtedness or the amount of the indebtedness to the company of any agent or of any guarantor of an agent shall be void.

MUTUALISATION

Conversion into mutual company.

154. (1) Notwithstanding anything in its Memorandum or other instruments of incorporation or in its Articles or other Rules, or in this Act, a company may, with the approval of the Supervisor, establish and implement a plan in accordance with the provisions of this Part.

(2) In this section and in sections 156 to 160—

"company" means a company incorporated in Trinidad and Tobago which has a share capital and is registered under this Act to transact long-term insurance business, whether alone or in combination with any other class of insurance business;

"plan" means a plan for the conversion of a company into a mutual company by the purchase of shares of the company or the conversion of the shares into debentures.

Application to establish a plan.

155. Every application for approval to establish and implement a plan shall be made in writing to the Supervisor.

Appointment of Independent actuary.

156. (1) Where the Supervisor receives an application made in accordance with section 155 he shall appoint an independent actuary to investigate the financial position of the company.

(2) The actuary appointed under subsection (1), shall, on the completion of his investigation, furnish the Supervisor with a report of his findings.

(3) In addition to the findings of the actuary the report shall state—

(*a*) the price which should be offered for the shares of the company;

(*b*) the terms and conditions of the security which should be offered in exchange for the shares; and

(*c*) such other information as the Supervisor may require.

Approval of application.

157. Where after considering the report of the actuary appointed under section 156 the Supervisor is satisfied that the paid-up capital of the company has ceased to be an important factor in safe-guarding the interests of the policy-holders of the company, having regard to—

(*a*) the quality and amount of the assets of the company;

(*b*) the surplus of the company relative to its liabilities;

(*c*) the nature of the business carried on by the company; and

(*d*) any other considerations which the Supervisor may consider relevant,

the Supervisor may approve the application referred to in section 155.

Detailed plan to be submitted to Supervisor.

158. Where an application is approved by the Supervisor, the Board of Directors of the company shall prepare and submit to the Supervisor a detailed plan which shall include—

(*a*) particulars relating to the financial state of the company;

(*b*) a statement of any actual or contingent liability as determined by the actuary;

(*c*) any changes which are proposed to be made in its Memorandum and Articles of Association; and

(*d*) such other information as the Supervisor may require.

Acceptance of plan by share-holders and policy-holders.

159. (1) When a plan is approved by the Supervisor—

(*a*) it shall be laid as a special resolution before the share-holders of the company at a special general meeting of the company duly called for considering the resolution, and there shall be recorded in the minutes of the meeting the number of votes cast in favour of or against confirmation of the resolution;

(*b*) the Board of Directors shall send by post to each policy-holder of the company at his last known address—

(i) a ballot-paper; and

(ii) a circular approved by the Supervisor, inviting the policy-holders to vote by post on the resolution referred to in paragraph (*a*) within the time specified in the circular.

(2) The resolution shall only be effective where it is approved by not less than fifty per cent of the votes cast by the share-holders at the special general meeting and by not less than fifty per cent of the votes cast by the policy-holders in accordance with the circular referred to in subsection (1)(*b*)(ii).

(3) Where the resolution is effective the share-holders shall sell their shares to the company at such price as may be approved by the Supervisor.

Recovery of expenses.

160. All expenses incurred by the Supervisor in connection with an application for approval to establish and implement a plan shall be defrayed by the company, and any sum due in respect of those expenses may be recovered from the company by the Supervisor summarily as a civil debt.

MISCELLANEOUS

Register to be kept.

161. (1) A company shall keep in accordance with section 162 at its principal office in Trinidad and Tobago (hereinafter referred to as "the registry") a register of policies.

(2) A company shall have a representative in charge of the registry.

(3) The Supervisor shall be notified in writing of the situation of the registry and of the name of the representative in charge thereof and of any change in the situation of the registry or in the identity of the representative in charge thereof.

Registration of policies.

162. (1) Every policy in Trinidad and Tobago existing at the date of the commencement of this Act shall as at that date be registered by the company in the register required to be kept under section 161(1).

(2) A company shall specify its principal office in Trinidad and Tobago on every policy issued by it.

(3) Every policy in Trinidad and Tobago issued by a company after the commencement of this Act shall immediately after issue be registered by the company in the register.

(4) All moneys payable in respect of a policy shall, unless the company and the policy-holder otherwise agree, be payable at the registry at which the policy is for the time being registered.

(5) A policy may, at the written request of the policy-holder and with the consent of the company, be transferred from a register outside of Trinidad and Tobago to a register in Trinidad and Tobago, or from a register in Trinidad and Tobago to a register outside of Trinidad and Tobago.

(6) All expenses incurred in connection with the transfer of a policy pursuant to subsection (5) shall be borne by the policy-holder.

Lost policy

163. (1) Where—

(*a*) the holder of a policy; or

(*b*) a person claiming the benefit of the provisions of section 140 or 142 in respect of a policy,

alleges that the policy (in this section referred to as "the original policy") is lost or has been destroyed, the company liable under the original policy may, subject to this section, on written application by the holder of the original policy or by the person referred to in paragraph (*b*) and upon such evidence as to the loss or destruction of the original policy as the company considers sufficient, issue to the applicant a special policy in substitution for the original policy.

(2) Where an application under subsection (1) is made by a person referred to in paragraph (*b*) of that subsection, the company shall not issue a special policy to such a person unless it is satisfied that the provisions of section 140 or 142 should be applied in favour of the applicant.

(3) A special policy shall—

(*a*) be a copy, as nearly as can be ascertained, of the original policy in substitution for which it is issued;

(*b*) contain copies of every endorsement on the original policy registered by the company; and

(*c*) state the reason for the issue of such a policy.

(4) Where the amount insured exclusive of bonus additions, exceeds five thousand dollars the company shall, before issuing a special policy give at least one month's notice of its intention to do so in the *Gazette* and in a newspaper published in Trinidad and Tobago and approved by the Supervisor.

(5) The costs of the advertisement and all other costs incurred in the issue of a special policy shall be paid by the applicant at the time when the application is made.

(6) The fact that a special policy has been issued and the reason for its issue shall be recorded by the company in the appropriate register.

(7) Where a company fails to issue a special policy within six months after the receipt of a written application under subsection (1) the Court may, on an application by summons and upon such evidence as to the loss or destruction of the original policy as it deems sufficient, order the company, upon such terms and within such time as the Court thinks fit, to issue a special policy to the applicant.

(8) Where the holder of a special policy or a person claiming the benefit of the provisions of section 140 or 142 in respect of a special policy, claims that the special policy

is lost or has been destroyed the provisions of this section shall apply as if the special policy were an original policy issued by the company.

Effect of capital punishment or suicide on policy.

164. A policy shall not be avoided merely on the ground that the person whose life is insured suffered capital punishment or died by his own hand or act, whether or not at the time of his death he was mentally ill, where, upon the true construction of the policy, the company thereby agreed to pay the sum insured on the happening of either of those events.

Condition as to war risk void.

165. Any term or condition of a policy which limits, to an amount less than the sum insured, the amount payable under the policy, in the event of the death of the life insured occurring as a result of war, shall not have any force or effect unless the person who effected the policy agreed in writing to the insertion in the policy of that term or condition.

Policy not invalidated in certain cases.

166. Failure on the part of a company to comply with any provision of this Act shall not in any way invalidate a policy issued by the company.

PART V

General Insurance

Conditions

Application of sections.

167. This section and sections 168 to 172 shall apply to all companies registered under this Act to carry on insurance business in respect of any class of such business other than long-term insurance business.

Computation of reserves liability.

168. Every company shall, in respect of its outstanding unexpired policies, include in its liabilities in its annual statement deposited with the Supervisor reserves computed on such basis as the Minister may prescribe.

Dividend not to impair capital

169. No dividend may be paid by any local company—

(*a*) while its assets are less than the amount required for solvency by section 77; or

(*b*) where the dividend would reduce its assets below the amount referred to in paragraph (*a*) or would impair its capital.

Contravention.

170. (1) Where it appears to the Supervisor that the assets of any company fall below the amount required for solvency by section 77 the Supervisor, after giving the company a reasonable time to be heard by him, shall—

(*a*) forthwith withdraw the company's certificate of registration;

(*b*) on such terms and conditions as he considers necessary, specify a time within which the company shall make good the deficiency; or

(*c*) where the admissible assets of the company are less than its total liabilities, including the reserves calculated in accordance with section 168 or where the company has contravened the requirements of section 169, withdraw its certificate of registration.

(2) The certificate of registration of a company shall not be withdrawn during the time given the company to make good any deficiency referred to in subsection (1)(*b*).

(3) Where a company fails to make good a deficiency within the time specified by the Supervisor pursuant to subsection (1)(*b*), the Supervisor shall withdraw the certificate of registration of the company.

Appropriation of profits towards surplus.

171. (1) A local company shall at the end of each year appropriate towards surplus at least twenty-five per cent of its profits for the preceding year until the surplus of the company equates with or exceeds the liability of the company in respect of outstanding unexpired policies required to be included in the annual statement in accordance with section 168.

(2) In this section "surplus" means the excess of assets over all the liabilities of the company, including its liability in respect of outstanding unexpired policies required to be included in the annual statement in accordance with section 168.

Additional reserves.

172. (1) Every company shall, in addition to the reserves required to be included pursuant to section 168, provide reserves for meeting outstanding claims.

(2) Every company shall furnish to the Supervisor details of the methods used in calculating the reserves to be provided under subsection (1).

(3) The Supervisor may disallow any method used in calculating the reserves referred to in subsection (2) where he is satisfied that the method does not result in the provision of adequate reserves.

Rates of premium to be prescribed.

173. The Minister may from time to time prescribe minimum rates of premium in respect of various categories of motor vehicle insurance business.

PART VI

Pension Fund Plans

Plan to be registered.

174. (1) No person may establish or operate a pension fund plan (hereinafter referred to as "a plan") in Trinidad and Tobago unless the plan is registered under this Part.

24 of 1966.

(2) The provisions of subsection (1) shall not apply to a plan which was registered under the Insurance Act, 1966.

Qualifications for registration of plan.

175. (1) Subject to the provisions of this Part, where a plan establishes a fund under trusts which are subject to the laws of Trinidad and Tobago, in connection with an undertaking or a combination of undertakings carried on wholly or partly in Trinidad and Tobago, and the main purpose of that fund is—

(*a*) the provision of superannuation allowances on retirement to persons employed in the undertaking or in the combination of undertakings in connection with which the fund is established;

(*b*) the provision of pensions to the spouses of persons who are or have been so employed and of periodical allowances to or in respect of the children of such persons; or

(*c*) the assurance of capital sums on the death of persons who were so employed,

such a plan shall be qualified for registration under this Part if the Rules of the plan comply with the requirements set out in Part I of the Fourth Schedule.

Fourth Schedule.

(2) Where a plan establishing a fund for any of the purposes set out in subsection (1)(*a*), (*b*) or (*c*) is in operation before the commencement of this Act that plan shall, subject

to such directions as to the amendment of its Rules as the Supervisor may give, be treated as qualified for registration under this Part although—

(*a*) the fund created under the plan is not established under trusts or under trusts which are subject to the laws of Trinidad and Tobago; or

(*b*) the plan does not comply with the requirements set out in Part I of the Fourth Schedule.

Registration.

176. (1) An application for the registration of a plan under this Part shall be addressed to the Supervisor and shall—

(*a*) be in the form prescribed;

(*b*) be signed by the trustees of the plan;

(*c*) specify the address at which communications concerning the plan will be received (hereinafter referred to as "the address of the plan");

(*d*) be accompanied by—

(i) two copies of the Trust Deed and of the Rules of the plan;

(ii) a copy of the actuarial report on which the plan is based;

(iii) a list of the names and addresses of the trustees of the plan;

(iv) in the case of an insured plan a copy of the policy of insurance related to benefits provided by the plan; and

(v) such other documents or further information as may be prescribed.

(2) Where an application is made in accordance with the provisions of this Part for the registration of a plan the Supervisor shall register the plan and the Rules thereof where he is satisfied that the plan has qualified for registration.

(3) The Supervisor shall on registering a plan under this Part enter in the register the address of the plan and the names and addresses of the trustees.

(4) Where—

(*a*) the Trust Deed or the Rules, or both, of a plan registered under this Part (hereinafter referred to as a "registered plan") are amended; or

(*b*) there is any change in the address of the plan or in the names or addresses of the trustees thereof,

the trustees shall, within twenty-one days of the amendment or the change, apply for the registration of the amendment or for the correction of the register in respect of the change.

(5) An application for an amendment or for the correction of the register in respect of a change shall be addressed to the Supervisor and shall—

(*a*) be in the form prescribed;

(*b*) be signed by one of the trustees of the plan; and

(*c*) be accompanied—

(i) in the case of an amendment, by two copies thereof signed by one of the trustees; or

(ii) in the case of a change, by such particulars as may be necessary for the correction of the register.

Amendment not valid until registered.

177. (1) An amendment to Trust Deed or Rules, or both, of a registered plan shall not be valid unless the amendment is registered.

(2) Where an application for the registration of an amendment is made in accordance with section 176(5), the Supervisor shall register the amendment, where he is satisfied—

(*a*) that the Trust Deed or the Rules, or both, as amended would not have disqualified the plan from registration under this Part; or

(*b*) in the case of a plan which should be harmonized with the system of national insurance established under the National Insurance Act, that the plan otherwise complies with the requirements of any Regulations made under that Act for the purpose of harmonization.

Ch. 32:01.

Certificate of registration.

178. (1) The Supervisor shall on registering any plan or any amendment to the Trust Deed or the Rules, or both, of a registered plan under this Part, issue to the applicant a Certificate of Registration (hereinafter referred to as "a Certificate").

(2) Any document purporting to be a Certificate issued under subsection (1) and purporting to be signed or sealed by the Supervisor shall be received in evidence and be deemed to be so issued, signed or sealed without further proof unless the contrary is shown, and shall be conclusive evidence of the fact certified.

Cancellation of registration.

179. (1) The registration of a registered plan shall not be cancelled unless the plan has been wound-up.

(2) The trustees of a registered plan shall, within fourteen days of the completion of the winding-up of the plan, notify the Supervisor in writing that the winding-up has been completed.

(3) On receiving notice in writing that a registered plan has been wound-up, the Supervisor shall cancel the registration of the plan where he is satisfied that—

(*a*) the plan has been wound-up; and

(*b*) the assets of the plan have been applied in accordance with the Rules of the plan.

Fees to be prescribed.

180. (1) The fees payable in respect of—

(*a*) the registration of a plan;

(*b*) the registration of any amendment to the Trust Deed or the Rules, or both of the registered plan;

(*c*) the correction of the register occasioned by a change in the name or address of a trustee or a change in the address of a registered plan,

shall be such as may be prescribed.

(2) Notwithstanding the provisions of subsection (1) no fees shall be payable in respect of the registration of any amendment to the Rules of a registered plan where the amendment is solely for the purpose of complying with the requirements of any Regulations made under the National Insurance Act, for the purpose of harmonization. Ch. 32:01.

Power to delete provisions for avoiding the rule against perpetuities.

181. (1) Where an application is made under this Part for the registration of a plan the Rules of which were made before the commencement of this Act, and the Supervisor is satisfied that the Rules of the plan contain provisions which were embodied only for the purpose of avoiding the application to the trusts of the plan of the rule of law relating to perpetuities he may, at the request of the trustees who made the application—

(*a*) amend the Rules by deleting those provisions; and

(*b*) make any further amendments which are, in his opinion necessary as a result of the deletion.

(2) Where the Rules of a plan are amended by the Supervisor pursuant to subsection (1), the Rules shall, when registered, have effect subject to the amendments.

Supplementary provisions as to powers of Supervisor.

182. (1) The Supervisor may require any person who is an employer, an insurer, a trustee or an officer of a plan for the registration of which application has been made under this Part, or of any registered plan to furnish either by statutory declaration or otherwise, any information or explanation which may be necessary for the proper exercise and performance of the powers and duties of the Supervisor under this Part.

(2) Where the trustees of a registered plan commit a breach of trust by making an unauthorised investment or by violating any rule of the plan, where the rule is necessary for registration under this Part, the Supervisor shall have the same remedies in all respects for the breach of trust as if he were a person beneficially interested in the plan.

(3) The Supervisor or any person authorised by him in writing may at any reasonable time inspect or examine any books, records or other documents relating to a registered plan or any plan in respect of which an application for registration is made under this Part, or any securities or obligations in which pension fund moneys of any such plan are invested.

Penalties for default.

183. (1) Every trustee and the secretary of a registered plan are guilty of an offence where in respect of that plan,

there is default in complying with any of the requirements of this Part relating to—

(*a*) accounts and reports;

(*b*) the making of applications for the registration of any amendment to the Trust Deed or to the Rules, or both, of the plan or, the correction of the register in respect of a change in the address of the plan or in the names and addresses of the trustees thereof; or

(*c*) the giving of notice to the Supervisor or the winding-up of the plan.

(2) It is a defence to any proceedings instituted under subsection (1) against the trustees and the secretary of a registered plan to prove that the default occurred without their consent or connivance and was not facilitated by any neglect on their part.

(3) A person who is lawfully required under this Part by the Supervisor to furnish any information or explanation which could with reasonable diligence be furnished by him makes default in complying with any such requirement within fourteen days after written notice thereof has been delivered to him, is guilty of an offence.

(4) A person who is guilty of an offence under this Part is liable on summary conviction to a fine of five thousand dollars and in the case of a continuing offence to a further fine of one hundred dollars for every day during which the offence is committed after conviction therefor.

Annual accounts and balance sheet to be submitted.

184. (1) The trustees of each plan registered under this Part shall—

(*a*) submit annually to the Supervisor a balance sheet and statement of accounts for each accounting year within six months of the expiration of that accounting year;

(*b*) file with the Supervisor annually or at such periods and in such form as may be prescribed any information or return relating to such plan.

(2) The balance sheet and statement of accounts referred to in subsection (1) shall—

(*a*) before they are submitted to the Supervisor, be audited by an auditor approved by him; and

(*b*) be prepared in accordance with the forms set out as Forms A and B respectively of Part II of the Fourth Schedule.

Forms A and B Fourth Schedule.

Actuarial Investigation.

185. (1) The trustees of each registered plan shall appoint an actuary or a consulting actuary to make an investigation into the financial condition of the plan and to report on his findings.

(2) An investigation under subsection (1) shall be made every three years or at such shorter intervals as the Supervisor may specify.

Part III Fourth Schedule.

(3) A copy of the report prepared in accordance with Part III of the Fourth Schedule and signed by the actuary shall be furnished to the Supervisor.

(4) The provisions of subsections (1) and (3) shall not apply to a plan insured with an insurer, but the trustees of such a plan shall obtain from the insurer a certificate to the effect that the plan has been valued by an actuary.

(5) The certificate required by subsection (4) together with the Tables set out in Part III of the Fourth Schedule shall be deposited by the trustees with the Supervisor.

Investment.

186. (1) The trustees of a registered plan may invest the assets of the plan only in such securities as a company may by section 46, invest the assets of its statutory fund.

(2) No trustee may invest the assets of a pension fund in the equity, debentures or other evidence of indebtedness of the employer or any subsidiary or associate of the employer or of any company of which the employer is a subsidiary or an associate.

(3) The Minister may prescribe the percentage which a plan's assets originating in Trinidad and Tobago shall bear to the total of its assets.

187. The rule of law relating to perpetuities shall not apply and shall be deemed never to have applied to the trusts of a registered plan. Rule of law against perpetuities not to apply.

PART VII

Associations of Underwriters

188. (1) No association of underwriters may carry on insurance business in Trinidad and Tobago— Registration of associations of underwriters.

(*a*) unless it is registered under this Part; and

(*b*) except in accordance with the provisions of this Part.

(2) An application for registration of an association shall be accompanied by—

(*a*) a copy of its statute or deed of association;

(*b*) a certificate stating, in the case of an association established outside of Trinidad and Tobago—

(i) that the association has been established for at least five years;

(ii) that the law of the country in which it was established provides for the regulating of associations of underwriters; and

(iii) that the association is operating in accordance with that law;

(*c*) a list of the names and addresses of persons appointed as its agents or brokers in Trinidad and Tobago; and

(*d*) any further information the Supervisor may require.

(3) The Supervisor may register an association of underwriters as an insurer where he is satisfied that the association complies with the provisions of this Part.

(4) Where an association of underwriters is registered under this Part no member of that association may carry on insurance business, other than long-term insurance business, in Trinidad and Tobago until the President by Order declares the date from which such business may be carried on.

Deposit by association of underwriters.

189. (1) An association of underwriters may not be registered under this Part to carry on, or carry on, any class of insurance business unless it has deposited with the Supervisor an amount equal to three hundred and fifty thousand dollars or to forty per cent of the premium income of its members, whichever amount is the greater, with respect to Trinidad and Tobago insurance business during the financial year last preceding the date of the deposit.

(2) Where an association of underwriters has made a deposit as required by subsection (1), it shall at the end of each financial year where necessary, deposit or be refunded an amount equal to the difference between the last preceding deposit and forty per cent of the relevant premium income during such financial year, except that an association of underwriters shall not have as a deposit with the Supervisor an amount less than three hundred and fifty thousand dollars.

(3) A deposit made in pursuance of this section may be either in the form of cash or in the form of approved securities or partly in the form of cash and partly in the form of approved securities.

(4) The provisions of sections 30 to 34 shall apply to a deposit made in pursuance of this section except that the words "association of underwriters" shall be substituted for the word "company".

Applicant to be informed of Supervisor's decision with respect to application.

190. (1) An applicant who applies for registration as an insurer shall be notified in writing by the Supervisor whether it is proposed to register him or to reject his application.

(2) Where the Supervisor proposes to reject the application he shall state in writing his reasons for doing so.

(3) An association which is aggrieved by the decision of the Supervisor to reject its application may appeal against the decision in the manner specified in section 205.

Documents and information relating to insurance business to be furnished to Supervisor.

191. An association of underwriters registered under this Part, shall within six months of the end of each financial year furnish to the Supervisor, in the case of an association established in Trinidad and Tobago such documents

and information as he may require and in the case of an association established outside of Trinidad and Tobago—

(*a*) a certified copy of such returns relating to the insurance business of its members during the preceding year as are required to be made to the responsible Minister or other public authority in the country in which the association is established;

(*b*) a certificate, signed by the Chairman or other presiding officer of the association and by or on behalf of the responsible Minister or other public authority stating whether the association has complied with the requirements of the law governing the regulating of associations of underwriters in the country in which it is established;

(*c*) the latest annual list of the names of its members and the names of the members of its committee or other governing body; and

(*d*) a statement of receipt and expenditure by its members in Trinidad and Tobago during the preceding year.

Registered association may be prohibited from writing business.

192. (1) The Supervisor may prohibit a registered association from writing new policies in any class of insurance business where he is satisfied that it is in the interest of the policy-holders or prospective policy-holders to do so.

(2) Where the Supervisor exercises the power conferred on him by subsection (1), he shall notify the registered association in writing of his decision and shall state the reasons therefor.

(3) A registered association which is aggrieved by the decision of the Supervisor may appeal against the decision in the manner specified in section 205.

Cancellation of registration.

193. (1) The Supervisor may cancel the registration of an association—

(*a*) where he is not satisfied that the insurance business of its members is being conducted in accordance with sound insurance principles;

(*b*) where the association fails to comply with any requirements imposed upon it under this Part;

(*c*) where he is satisfied that the members of the association have not commenced business within one year of registration or have ceased to carry on business in Trinidad and Tobago; or

(*d*) at the request of the association.

(2) Where the Supervisor cancels the registration of an association, he shall state in writing his reasons for doing so.

(3) An association which is aggrieved by the decision of the Supervisor to cancel its registration may appeal against the decision in the manner specified in section 205.

(4) On an appeal the Court of Appeal or the Judge in Chambers may confirm or reverse the decision of the Supervisor.

Policies issued before rejection of application or cancellation of registration.

194. An association of underwriters, the application for registration of which has been rejected or the registration of which has been cancelled, shall continue to carry on business relating to policies issued by it before the date on which it was notified of the rejection or cancellation unless the Supervisor is satisfied that it has made suitable arrangements for its obligations under such policies.

PART VIII

MISCELLANEOUS

Jurisdiction of local courts.

195. (1) Where a policy is issued after the 5th of October, 1966 and the premiums in respect of that policy are payable or paid in Trinidad and Tobago—

(*a*) such premiums shall be payable or paid; and

(*b*) any sums payable or paid upon the maturity of such policy shall be payable or paid,

in Trinidad and Tobago currency.

(2) Every policy issued in Trinidad and Tobago through a person or an office in Trinidad and Tobago shall, notwithstanding any agreement to the contrary, be governed by the laws of Trinidad and Tobago and shall be subject to the jurisdiction of the courts of Trinidad and Tobago.

Issue of capital by company.

196. (1) A person shall not publish in respect of a company or in respect of a company proposed to be formed after the commencement of this Act a prospectus, notice, circular, advertisement or other invitation offering to the public for subscription any shares in the company or proposed company unless the prospectus, notice, circular, advertisement or other invitation is first submitted to and approved by the Supervisor.

(2) A person who is acting as the promoter of any such proposed company shall not accept any office of profit in the company or any payment or pecuniary advantage other than as provided in the prospectus, notice, circular, advertisement or other invitation.

Voting by post.

197. (1) A company which does not have shareholders shall, notwithstanding anything contained in the instruments constituting the company or in the Articles of Association or other Rules of the company, within one year of its registration under this Act make arrangements for—

(*a*) the establishment of a postal voters' roll in relation to voting in contested elections of directors of the company or on questions pertaining to the alterations of the instruments constituting the company or of the Articles of Association or other Rules of the company;

(*b*) the enrolment on the postal voters' roll of any member of the company entitled to vote in such elections or on such questions, who applies to be enrolled;

(*c*) the voting by post in any such election or on any such question by every member enrolled; and

(*d*) the inspection of the postal voters' roll and the taking of copies of or extracts from the roll on and after the close of nominations and before the close of the voting in any such election, by any person nominated for election as a director of the company.

(2) All regular votes of members given in pursuance of the arrangements referred to in subsection (1) shall be valid and effectual for all purposes.

(3) Where a member who is enrolled on the postal voters' roll of a company fails to exercise his right to vote by post on three consecutive occasions on which he is entitled to do so, the company may remove his name from the roll, but the member is eligible for re-enrolment.

(4) The provisions of this section do not apply to a company which is incorporated outside of Trinidad and Tobago.

Inspection of documents.

198. Any person may, upon payment of such fee as may be prescribed, inspect at the office of the Supervisor any document submitted to the Supervisor pursuant to section 61(2) and make a copy of or extract from that document.

Documents to be received in evidence.

199. Every document purporting to be—

(*a*) certified by the Supervisor to be a document submitted to him under the provisions of this Act; or

(*b*) certified by the Supervisor to be a copy of such a document,

shall be deemed to be such a document or copy thereof and shall be received in evidence as if it were the original document unless some variation between it and the original document is proved.

Publication of authorised subscribed and paid-up capital.

200. Where any notice, advertisement or other official publication of a company contains a statement of the authorised capital of the company, the publication shall also contain a statement of the amount of the capital which has been subscribed and the amount which has been paid-up.

Power to collect statistics.

201. (1) The Supervisor shall collect at such times as may be prescribed such statistics in relation to insurance business as may be prescribed.

(2) Every company shall, for the purpose of enabling the Supervisor to collect statistics under this section, furnish the Supervisor in accordance with the prescribed form and at such times as may be prescribed such particulars as may be specified in that form.

(3) A person shall not publish any particulars furnished by a company to the Supervisor under this section in such form as to disclose the details of those particulars, and a person shall not publish the number of returns received where such number is less than five.

Serving of notice.

202. (1) Where a notice is required or permitted by this Act to be given to or served upon a person, the notice shall be in writing and may be given or served—

(*a*) where the notice is addressed to a person other than a company, by serving it upon him personally or by sending it by registered post addressed to him at his usual or last known place of abode or business; and

(*b*) where the notice is addressed to a company, by serving it personally upon the person last known to the Supervisor as being a director or the principal representative or an officer of the company or by sending it by registered post addressed to such person at his address last known to the Supervisor.

(2) Where a notice is sent by registered post, it shall be deemed to have been given or served on the date on which it would have been delivered in the ordinary course of post.

(3) In this section "company" includes a body corporate which has ceased carrying on insurance business in Trinidad and Tobago.

Authority to sign documents.

203. Any document required by or under this Act to be signed by a director or the principal representative of a company may be signed by any other officer of the company where—

(*a*) the officer is authorised to do so by the Board of Directors; and

(*b*) the Board of Directors has notified the Supervisor in writing of the authorisation.

Printing of documents.

204. Where a document is by this Act required to be printed, the Supervisor may permit it to be typewritten or lithographed or to be reproduced by such mechanical means as he may approve.

Appeals.

205. (1) Except where otherwise provided by this Act or the Regulations, an appeal shall lie to a Judge in Chambers from any decision, direction, refusal, ruling or order of the Supervisor given or made under this Act.

(2) Notwithstanding that an appeal lies under this Act or under the Regulations from any decision, direction, refusal, ruling or order of the Supervisor, such decision, direction, refusal, ruling or order shall be binding upon the appellant unless—

(*a*) within fifteen days of the receipt of the notification of the decision, direction, refusal, ruling or order, he serves on the Supervisor notice of his intention to appeal therefrom setting forth the grounds of appeal; and

(*b*) within fifteen days after serving the notice he files his appeal with the Registrar of the Supreme Court and prosecutes the same with due diligence.

(3) Where the conditions specified in subsection (2)(*a*) and (*b*) are satisfied no action may be taken by the Supervisor on any decision, direction, refusal, ruling or order given or made by him under this Act until the Judge in Chambers determines the matter.

(4) On an appeal the appellant and the Supervisor as respondent may appear personally or be represented by counsel or solicitor or by any other person.

(5) An appeal from the determination by a Judge in Chambers shall be to the Court of Appeal the decision of which shall be final.

(6) On an appeal a Judge in Chambers or the Court of Appeal, as the case may be, may confirm, reverse or vary any decision, direction, refusal, ruling or order made or given by the Supervisor.

(7) The Rules Committee established under the Supreme Court of Judicature Act, may make Rules prescribing the conduct of appeals filed under subsection (1) and the time within which notice of appeal to the Court of Appeal shall be given.

Ch. 4:01.

Offences.

206. (1) A person who contravenes—

(*a*) any provision of this Act or of any Order or regulation made thereunder with which he was required to comply;

(*b*) any direction, Order or requirement given or made by the Supervisor or an authorised person,

is guilty of an offence unless he proves that he did not knowingly commit such contravention.

(2) Where the offence committed is as a result of a default in complying with any provision of this Act or of any Order or regulation made thereunder or with any direction, Order or requirement referred to in subsection (1)(*b*), the offence shall be deemed to be continued so long as the default continues.

(3) In this section "person" includes a company.

Offence to sign false document.

207. A person is guilty of an offence who signs any document, required by or under this Act to be signed by him, which contains any false particulars known to him to be false.

Consequence non-compliance with S. 42.

208. (1) A company which fails to comply with any direction given to it by the Supervisor under section 42 within the time specified in that section may be ordered by the Supervisor to cease issuing new policies.

(2) A company which continues to issue new policies after it has been ordered by the Supervisor to cease doing so is guilty of an offence.

Offence to induce person to enter into insurance contract by means of false statement.

209. A person who—

(*a*) by knowingly making a false, misleading or deceptive statement;

(*b*) by recklessly making (dishonestly or otherwise) any statement which is false, misleading or deceptive; or

(*c*) by dishonestly concealing material facts,

induces or attempts to induce another person to enter into or offer to enter into any contract of insurance is guilty of an offence.

Restriction on issuing insurance advertisement.

210. (1) No person may after such date as may be fixed by the Minister by notice published in the *Gazette*, issue an insurance advertisement except in accordance with Regulations made under this Act.

(2) A person who contravenes the provisions of subsection (1) is guilty of an offence.

Person who issues insurance advertisement on behalf of another is guilty of offence unless contents not devised by him.

211. (1) A person who in the ordinary course of his business issues an insurance advertisement on behalf of or to the order of another person, the issue of which by that other person would constitute an offence under section 210(1) is guilty of an offence unless he proves that the matters contained in the insurance advertisement were not (wholly or in part) devised or selected by him or by any person under his direction or control.

(2) For the purposes of subsection (1) an insurance advertisement issued by any person on behalf of or to the order of another person shall be treated as an advertisement issued by that other person.

(3) For the purposes of any proceedings instituted under subsection (1) an insurance advertisement inviting persons to enter into or to offer to enter into insurance contracts with a person specified in the advertisement shall be deemed, unless the contrary is proved, to have been issued by that person.

(4) In this section and in section 210—

"advertisement" includes every form of advertising whether in the form of 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.

Director, etc., deemed to be guilty of offence.

212. Where an offence against this Act is committed by a company and the offence is proved to have been committed with the consent or connivance of, or to have been facilitated by any neglect on the part of any director, principal representative or any other officer or any actuary or auditor of the company, that person as well as the company is guilty of the offence.

Penalties.

213. All offences against this Act for which no other penalty is specified is punishable, in the case of a company, by a fine not exceeding five thousand dollars and in the case of an individual by a fine not exceeding one thousand dollars or to imprisonment for six months.

Regulations.

214. (1) The Minister may make such Regulations as he considers necessary for the purpose of giving effect to this Act and in particular may make Regulations—

(*a*) prescribing anything which is required or authorised to be prescribed by this Act;

(*b*) governing reinsurance business;

(*c*) governing the holding and conduct of examinations for persons applying to be registered as brokers, salesmen or agents and the exemption of persons from such examinations;

(*d*) determining the remuneration or allowances payable to persons who have been appointed examiners for the purposes of paragraph (*c*);

(*e*) governing the solvency of brokers and agents;

(*f*) relating to the provision of identification cards for persons who are registered under this Act as brokers, salesmen, agents or adjusters;

(*g*) controlling, restricting or prohibiting the making of linked long-term insurance contracts by a company which is registered in Trinidad and Tobago to carry on insurance business in that country;

(*h*) specifying what registers are to be kept for the purposes of this Act;

(*i*) governing the form and contents of insurance advertisements;

(*j*) relating to contracts of the class specified in paragraph 1 of the First Schedule; First Schedule.

(*k*) governing the valuation of assets;

(*l*) relating to provisions for the writing off of preliminary expenses and the deferring of acquisition costs in respect of new insurance business.

(2) Regulations made under paragraphs (*a*) to (*g*) of subsection (1) may authorise the Supervisor—

(*a*) to exempt from the provisions of this Act any class of insurance business where the Minister considers such exemption necessary having regard to the class of insurance business and to the provisions of this Act; or

(*b*) to approve, in relation to any company, the use of any prescribed form with such modifications as he thinks fit, where the Minister is satisfied that the modification would not substantially affect the purpose of the form.

(3) Regulations made under subsection (1)(*g*) shall be limited to the contracts specified in that paragraph which—

(*a*) are entered into by insurance companies to which Part II of this Act applies or by members of Lloyds or of any other association of underwriters approved by the Supervisor for the purposes of Part VII of this Act; and

(*b*) are contracts under which the benefits payable to the policy-holder are wholly or partly to be determined by reference to the value of or the income from property of any description, or by reference to fluctuations in or in an index of the value of property of any description, whether or not specified in the contract.

(4) Regulations made under subsection (1)(*g*) may make different provisions in relation to different cases or circumstances, and the Minister may, on the application of any insurer alter the provisions of any such Regulations so as to adapt those provisions to the special circumstances of an insurer or to any particular kind of contract entered into or proposed to be entered into by that insurer.

(5) Regulations made under subsection (1)(*g*) may make provision—

(*a*) restricting the descriptions of property or the indices of the value of property by reference to which benefits under the contracts may be determined;

(*b*) regulating the manner in which and the frequency with which property of any description is to be valued for the purpose of determining the benefits referred to in paragraph (*a*);

(*c*) requiring insurers under contract to appoint valuers to carry out valuations of property of any description in order to determine the benefits referred to in paragraph (*a*);

(*d*) prescribing the qualifications of a valuer and his relationship with the insurer;

(*e*) requiring insurers under the contract to furnish in such manner and at such times as may be specified in the Regulations, such information relating to the value of the benefits under the contracts as may be specified in the Regulations;

(*f*) requiring insurers under the contracts to furnish to the Supervisor in such manner and at such times as may be specified in the Regulations, such information as may be specified therein relating to the contracts or with any class or description of the contracts;

(*g*) enabling the Supervisor to publish the information referred to in paragraph (*f*) in such ways as he thinks appropriate.

(6) Regulations made under subsection (1)(*i*) may make different provisions in relation to insurance advertisements of different classes of descriptions.

(7) Regulations requiring insurers to furnish information as required by subsection (5)(*e*) may, in relation to notices which are required to be sent to policy-holders impose requirements which would ensure that the notices are easily legible.

FIRST SCHEDULE

(Section 2)

Classes of Insurance Business

1. "Ordinary long-term insurance business" means business of any of the following classes—

(*a*) the effecting and carrying out of contracts of insurance on human life or contracts to pay annuities on human life;

(*b*) the effecting and carrying out of contracts of insurance against the risks—

(i) of death or personal injury of the persons insured resulting from an accident or from an accident of a specified class;

(ii) of the persons insured becoming incapacitated as a result of disease or of a disease of a specified class,

if, in the absence of special circumstances specifically provided for in such contracts, they cannot be terminated before the expiration of five years from the date on which they were entered into;

(*c*) the effecting and carrying out of contracts of insurance other than contracts referred to in paragraph (*b*), whether effected by the issue of policies, bonds or endowment certificates or otherwise, under which in return for one or more premiums paid to the insurer, a sum or a series of sums becomes payable to the insured at a future date.

2. Where the principal object of a contract of insurance is to insure a person against risks of such kinds that the business of effecting and carrying out contracts of insurance against such risks constitutes marine, aviation and transport insurance business, motor vehicle insurance business or property insurance business, a company shall not for the purposes of this Act be treated as carrying on ordinary long-term insurance business by reason only of the incidental inclusion in such a contract of a provision whereby the company assumes liability against the happening of personal accidents, whether fatal or not.

3. "Industrial Life Insurance Business" means the business of effecting and carrying out insurance upon human life, premiums in respect of which are contracted to be paid at intervals of less than two months and which are received by means of collectors.

4. "Liability insurance business" means the business of effecting and carrying out contracts of insurance, against risks of the persons insured incurring liabilities to third parties, not being risks arising out of, or in connection with the use of motor vehicles or out of, or in connection with the use of vessels or aircraft or risks incidental to the construction, repair or docking of vessels or aircraft.

5. Where the principal object of a contract of insurance is to insure a person against risks of such kinds that the business of effecting and carrying out contracts of insurance against such risks constitutes property insurance business, a company shall not for the purposes of this Act be treated as carrying on liability insurance business by reason only of the incidental inclusion in such a contract of a provision whereby the company assumes liability against the risk of the person insured incurring liabilities to third parties.

6. "Marine, aviation and transport business" means the business of effecting and carrying out contracts of insurance—

(*a*) upon vessels or aircraft, or upon the machinery, tackle, furniture or equipment of vessels or aircraft;

(*b*) upon goods, merchandise or property of any description whatever on board of vessels or aircraft;

(*c*) upon the freight of, or any other interest in or relating to vessels or aircraft;

(*d*) against damage arising out of, or in connection with, the use of vessels or aircraft, including third-party risks;

(*e*) against risks incidental to the construction, repair or docking of vessels including third-party risks;

(*f*) against transit risks (whether the transit is by sea, inland water, land or air, or partly one and partly another), including risks incidental to the transit insured from the commencement of the transit to the ultimate destination covered by the insurance; or

(*g*) against any other risks insurance against which is customarily undertaken in conjunction with, or as falls within this definition by virtue of any of the foregoing paragraphs.

7. Where the principal object of a contract of insurance is to insure a person against risks of such kinds that the business of effecting and carrying out contracts of insurance against such risks constitutes insurance business of some other class, a company shall not for the purposes of this Act be treated as carrying on marine, aviation and transport insurance business by reason only of the incidental inclusion in such a contract of a provision whereby the company assumes liability of a kind which by itself would constitute liability against any of the risks specified in paragraph 6(*a*) to (*g*).

8. "Motor vehicle insurance business" means the business of effecting and carrying out contracts of insurance against loss of, or damage to, or loss or damage arising out of or in connection with the use of, motor vehicles, inclusive of third-party risk but exclusive of transit risks.

9. For the purposes of this Act a company shall not be treated as carrying on motor vehicle insurance business by reason only of the fact that goods, merchandise or property upon which a contract of insurance is effected by it (being goods, merchandise or property on board of a vessel or an aircraft) consist of, or include motor vehicles.

10. "Pecuniary loss insurance business" means the business of effecting and carrying out contracts of insurance against any of the following risks—

(*a*) of loss to the persons insured arising from the insolvency of their debtors or from the failure (otherwise than through insolvency) of their debtors to pay their debts when due;

(*b*) of loss to the persons insured arising from their having to perform contracts of guarantee entered into by them;

(*c*) of loss to the persons insured attributable to interruptions of the carrying on of business carried on by them or to reduction of the scope of business so carried on;

(*d*) of loss to the persons insured attributable to their incurring unforeseen expenses; and

(*e*) neither falling within any of the foregoing paragraphs nor being a kind such that the carrying on of the business of effecting and carrying out contracts of insurance against them constitutes the carrying on of insurance business of some other class.

11. Where the principal object of a contract of insurance is to insure a person against risks of such kinds that the business of effecting and carrying out contracts of insurance against such risks constitutes marine, aviation and transport insurance business, motor vehicle insurance business or property insurance business, a company shall not for the purposes of this Act be treated as carrying on pecuniary loss insurance business by reason only of the incidental inclusion in such a contract of a provision whereby the company assumes liability against the risks specified in paragraph 10(*c*) and (*d*).

12. "Personal accident insurance business" means the business of effecting and carrying out contracts of insurance against the risks of the persons insured—

(*a*) dying or sustaining injury as the result of an accident or of an accident of a specified class; or

(*b*) becoming incapacitated as the result of a disease or a disease of a specified class,

where such contracts do not fall within the classes of contracts specified in paragraph (*b*) of the definition of Ordinary Long-term insurance business.

13. Where the principal object of a contract of insurance is to insure a person against risks of such kinds that the business of effecting and carrying out contracts of insurance against such risks constitutes marine, aviation and transport insurance business, motor vehicle insurance business or property insurance business, a company shall not for the purposes of this Act be treated as carrying on personal accident insurance business by reason only of the incidental inclusion in such a contract of a provision whereby the company assumes liability against the happening of personal accidents, whether fatal or not.

14. "Property insurance business" means the business of effecting and carrying out contracts of insurance against risks of loss of or damage to property, not being risks of such kinds that the business of effecting and carrying out contracts of insurance against them constitutes marine, aviation and transport insurance business or motor vehicle insurance business.

SECOND SCHEDULE

180/1985

(Section 46)

Assets in which the Statutory Funds may be invested

A company may invest its statutory funds in assets of the following classes:

1. (*a*) the bonds, debentures, stocks, or other evidence of indebtedness of or guaranteed by the Government of—

(i) Trinidad and Tobago;

(ii) any Commonwealth country or dependency or the Republic of Ireland;

(iii) the country in which the head office of the company is situated or a province or state thereof; or

(iv) any country approved by the Minister.

(*b*) the bonds, debentures or other evidence of indebtedness of a corporation incorporated in Trinidad and Tobago which are fully secured by a statutory charge upon real estate or upon the plant or equipment or other tangible assets of the corporation used in the transaction of its business;

(*c*) the bonds, debentures or other evidence of indebtedness issued by an authority or other body without share capital established and empowered pursuant to a statute of Trinidad

and Tobago to administer, regulate the administration of, provide or operate port, harbour, airport, bridge, highway, tunnel, transportation, communication, sanitation, water, electricity, or gas services or facilities and for any of these purposes to levy, impose or make taxes, rates, fees or other charges which may be used only in carrying out the objects of the authority or other body and are sufficient to meet its operation, maintenance and debt service charges;

(*d*) the bonds, debentures or other securities of, or those guaranteed by the International Bank of Reconstruction and Development established by the Agreement for an International Bank for Reconstruction and Development or any other international financial institution approved by the Minister;

(*e*) guaranteed investment certificates issued by a trust company incorporated in any country listed in subparagraph (*a*) which at the date of vesting thereof in trust, complied with the requirements set out in subparagraph (*f*) in respect of the payment of dividends;

(*f*) the fully paid ordinary shares, preferred shares, bonds debentures or other evidence of indebtedness of a company incorporated in any country listed in subparagraph (*a*) which during a period of five years ending less than one year before the date of purchase thereof has either paid a dividend in each such year upon its ordinary shares or had earnings in each such year available for the payment of a dividend upon such shares, of at least four per cent of the average value at which the shares were carried in the capital stock account of the company during the year in which the dividend was paid or in which the company had earnings available for the payment of dividends, as the case may be;

(*g*) ordinary shares, preferred shares, bonds or debentures of a company incorporated in Trinidad and Tobago and approved by the Minister;

(*h*) the units, certificates or other evidence of participation in a scheme for indebtedness of the Unit Trust Corporation of Trinidad and Tobago.

2. Mortgages and other titles for repayment of loan secured by—

(*a*) real estate or leaseholds for a term of years or other estate or interest in real estate in Trinidad and Tobago where the amount of the loan together with the amount of indebtedness under any mortgage or other charge on the real estate or interest therein ranking equally with or superior to the loan does not exceed seventy-five per cent of the value of the real estate or interest therein, subject to the exception that a company—

(i) may upon the sale of real estate in which its funds are invested, accept a mortgage or other title for repayment on such real estate, as part payment and secured thereon for more than seventy-five per cent of the sale price of such real estate; or

(ii) may invest in a mortgage or other title for repayment on real estate where the amount of indebtedness under any mortgage or other charge on such real estate or interest therein ranking equally with or superior to the loan does not exceed ninety per cent of the value of the real estate as long as that portion of the indebtedness in excess of seventy-five per cent of the value of the real estate is guaranteed by the National Housing Authority or by a company registered under this Act to carry on that class of insurance business;

(*b*) real estate or leaseholds in Trinidad and Tobago notwithstanding that the loan exceeded the amount which the company may otherwise invest in, if the excess is guaranteed or insured by the Government or through an agency of the Government of Trinidad and Tobago;

(*c*) ground rents, mortgages or hypothecs on real estate or leaseholds in Trinidad and Tobago or in the country in which the head office of the company is situated, where the amount of the mortgage or hypothec together with the amount of indebtedness under any mortgage or hypothec on the real estate or leasehold ranking equally with or superior to the mortgage or hypothec which is invested in does not exceed three-quarters of the value of the real estate or leasehold covered thereby.

3. Real estate or leaseholds—

(*a*) real estate or leaseholds in Trinidad and Tobago for the production of income either alone or jointly with any other company transacting insurance business in Trinidad and Tobago or with any other company incorporated in Trinidad and Tobago where—

(i) a lease of the real estate or leasehold is made to or guaranteed by the Government of Trinidad and Tobago or an agency of the Government or a municipality in Trinidad and Tobago and the lease provides for a net revenue sufficient to yield a reasonable interest return during the period of the lease and to repay at least eighty-five per cent of the amount invested in the real estate or leasehold within the period of the lease but not exceeding thirty years from the date of investment.

(ii) the real estate or leasehold has produced in each of the three years immediately preceding the date of investing therein net revenue in an amount which if received in each year following the date of investment, would be sufficient to yield a reasonable interest return on the amount invested in the real estate or leasehold and to repay at least eighty-five per cent of that amount within the portion of the economic lifetime of the improvements to the real estate or leasehold which remain at the date of investment but not exceeding forty years from that date.

(*b*) real estate in Trinidad and Tobago required by the company for its actual use or occupation or reasonably required by it for the natural expansion of its business or acquired by it for the natural expansion of its business or acquire by foreclosure of a mortgage on real estate where the mortgage is an investment under this Act, save that the total amount of investment in real estate either for the production of income or for the use and natural expansion of the business of the company shall not exceed—

(i) in the case of a company carrying on long-term insurance business, twenty per cent of the total value of assets required to satisfy the statutory fund requirement; or

(ii) in the case of a company carrying on general insurance business, such amount as may be approved by the Supervisor not exceeding the amount referred to in subparagraph (i).

4. Cash balances deposited with—

(*a*) any bank in Trinidad and Tobago;

(*b*) any financial institution licensed under the Financial Institutions (Non-Banking) Act; Chap. 83:01

(*c*) any building society which may from time to time be approved by the Minister.

5. The total accepted value of the statutory fund assets of any company invested in ordinary shares shall not at any time exceed forty per cent of the accepted value of the total of such assets in Trinidad and Tobago of the company.

6. The total accepted value of the real estate or leaseholds invested in accordance with this Schedule shall not exceed—

(*a*) in respect of a company carrying on long-term insurance business twenty per cent of the total value or assets required to satisfy the statutory fund requirement;

(*b*) in respect of a company carrying on other than long-term insurance business such amount as may be approved by the Supervisor.

7. No single mortgage included as an asset in the statutory fund of a company may exceed ten per cent of the total assets of the company.

8. A company shall not invest in trust bonds, debentures or other evidence of indebtedness on which payment of principal or interest is in default.

9. A company shall not purchase more than thirty per cent of the ordinary shares of any corporation.

10. A company registered to carry on life insurance business shall not, in respect of that business, purchase the shares of a company, incorporated in Trinidad and Tobago and carrying on such business.

THIRD SCHEDULE

[Section 125(1)]

FORM A

Absolute Assignment

Policy Number.....on the life of.....

Policy Owner (if not the above).....

Assignee: (Name).....

(Address).....

In consideration of.....

the undersigned, hereby assigns and transfers all rights title, and interest in and to the above-mentioned policy, issued by.....

.....

unto the above-named assignee, his executors, administrators, successors and assigns including the right to surrender the same for the surrender value and to receive any dividends and other amounts payable thereunder, whose receipt or acquittance for all amounts payable shall be a full discharge of all claims thereunder.

Dated at.....this.....day of.....19.....

Signed in the presence of:

....
Witness *Policy Owner*

.....

.....

NOTE: Additional lines are provided for signature of persons with beneficial interests.

FORM B [Section 125(1)]

Assignment as Security

Policy Number.....on the life of.....

Policy Owner (if not the above).....

Assignee: (Name).....

(Address).....

In consideration of.....
the undersigned, hereby assigns and transfers as security all rights, title and interest in and to the above-mentioned policy issued by.....

.....
unto the above-named assignee, his executors, administrators, successors and assigns whose receipt or acquittance for all the amounts payable under the said policy shall be a full discharge of all claims thereunder.

Dated at.....this.....day of.....19.....

Signed in the presence of:

....
Witness *Policy Owner*

.....

.....

NOTE: Additional lines are provided for signature of persons with beneficial interests.

FORM C (Section 129)

Memorandum of Discharge

Policy Number.....Life Assured.....

Policy Owner (if not the above).....

In consideration of.....

all the rights, title and interest in and to the above-mentioned policy assigned to the undersigned on.....

as security.....for securing.....

are hereby relinquished and the policy discharged.

Dated at.....this.....day of.....19.....

....
Witness *Signature of Assignee*

FOURTH SCHEDULE

[Section 175(1)]

PART I

Requirements as to the Trust Deed and Rules of Registered Pension Fund Plans

1. The Trust Deed and Rules of a plan qualified for registration under this Act shall make provision for the following matters:

(*a*) the whole of the objects for which the plan is established;

(*b*) the appointment and removal of trustees;

(*c*) the vesting in the trustees of all property belonging to the plan;

(*d*) the investment in the names of the trustees of all capital moneys belonging to the plan and for authorising the investments, if any, in addition to those authorised by law, in which the trustees may invest such moneys; but the Rules of a plan may provide for the deposit of such moneys with a bank;

(*e*) the making of contributions to the plan by the employers of persons employed in the undertaking or combination of undertakings in connection with which the plan is established;

(*f*) the contributions payable to and the rates of benefits payable from the fund or the method of calculating benefits so payable;

(*g*) the conditions on which persons may become and may cease to be contributors to and entitled to benefits from the fund;

(*h*) the protection of the vested rights of contributors to the plan;

(*i*) the preparation of all statements of accounts, balance sheets and reports required by this Act to be prepared;

(*j*) the supply (on demand) to every person having any rights in the plan, being a person who is or has been employed in the undertaking in connection with which the plan is established, of a copy of the Rules of the plan and of all amendments thereof, and of the latest statements of accounts, balance-sheet and report prepared in accordance with the requirements of this Act;

(*k*) the circumstances in which the plan may be wound up and in the event of winding up the use of the plan to purchase immediate annuities for contingent pensioners;

(*l*) the method by which the Rules may be amended.

2. The second part of the report shall contain the following information:

(*a*) general observations regarding mortality, withdrawal and retirement from service and progression of salary during intervaluation period and general observations on any other factors entering into the valuation;

(*b*) a description of the mortality and all other rates used (specimen rates to be shown in an appendix to the report);

(*c*) average rates of interest realised by the assets of the fund whether invested or not during each year in the intervaluation period;

(*d*) the rate of interest assumed in the calculations for purpose of the valuation;

(*e*) a statement indicating—

(i) whether and how it has been secured that the estimated net liability in respect of any employer is not negative;

(ii) the amount of and the reason for any special reserves which have been set up.

3. The final part of the report shall contain information about the results of the valuation, an analysis of the surplus or deficiency shown and a recommendation as to how much of the surplus can be regarded as disposable, or, if a deficiency, the manner in which the deficiency can be liquidated.

4. The report shall close with any further observations the actuary may wish to offer on the valuation.

PART II—FORMS

(Section 184)

FORM A

Revenue Account for the period.....to.....

Pension Fund Plan

Revenue	$	Expenditure	$
1. Amount of the Fund at the beginning of the period*		1. Superannuation Benefits— (*a*) pension to retired employees (*b*) widows' pensions (*c*) orphans' pensions (*d*) retirement gratuities	
2. Contributions by employees			
3. Contributions by employer			
4. Any additional contribution by employer to meet deficiency or back service liabilities		2. Death grants	
5. Interest dividend and rents		3. Return of contribution on withdrawal	
6. Other income (to be specified)		4. Other expenditure (to be specified)	
		5. Amount of the Fund at the end of the period*	

*May be omitted for an insured pension fund plan.

FORM B

(Not to be completed for an insured pension fund plan)

Balance Sheet as at.....19.....for.....

Pension Fund Plan

Liabilities	$	Assets	$
Amount of fund as at		Mortgage	
		Stock Exchange Securities	
Pensions due but not yet paid		Other assets (to be specified)	
Other benefits (to be specified) due but not yet paid			

DETAILS OF MORTGAGES

Name of borrower	Nature of security	Original amount of loan	Date	Method of repayment	Rate of interest	Amount outstanding on the valuation date	Date or outstanding period of repayment

DETAILS OF STOCK EXCHANGE SECURITIES

Security	Date of redemption	Nominal amount	Rate of interest or dividend	Market value as at the valuation date	Book value	Value used in valuation

[Section 185(3) and (5)]

PART III

Actuarial Valuation

1. The first part of the report shall contain statistics as at the valuation date in respect of the following:

(*a*) Changes in the membership of the fund during the intervaluation period as well as the membership of the fund on the valuation date as follows:

Age Group	Number of members at beginning of period	Number of new entrants	Number of Cessations of Membership				Number of members at the end of the period
			Transfer or on deferred pensions	Withdrawal	Death	Retirement	
Under 25							
25–30							
30–35							
35–40							
40–45							
45–50							
50–55							
55–60							
60–65							
Total							

(*b*) Changes in the number of pensioners of the fund during the intervaluation period as follows:

Number Age Group	Number of pensioners at beginning of period		Number of pensioners at pension during		Number of pensioners died during		Number of pensioners ceasing to receive pension for other causes		Number of pensioners at end of period	
	Ill-Health	Age	Ill-Health	Age	Ill-Health	Age	Ill-Health	Age	Ill-Health	Age
Under 35										
35–45										
45–55										
55–65										
65–75										
75 and Over										
TOTAL										

SUBSIDIARY LEGISLATION

185/1976.

INSURANCE (PENSION FUND PLAN INVESTMENTS) REGULATIONS

made under section 149(2) *of Act* 24 *of* 1966

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.

2. Percentage.

3. Certificate to Supervisor.

Citation.

1. These Regulations may be cited as the Insurance (Pension Fund Plan Investments) Regulations.

Percentage.

2. For the purposes of investment by the Trustees of a registered plan in such securities as are set out in the Second Schedule to the Act, the percentage which the registered plan's assets originating in Trinidad and Tobago shall bear to the total of the plan's assets shall be not less than eighty per cent.

Certificate to Supervisor.

3. Where a registered plan is an insured plan or a Deposit Administration Plan, the insurance company shall submit to the Supervisor a certificate to his satisfaction certifying that in respect of each such insured plan or Deposit Administration Plan, the percentage of the funds of the plan that the company has invested in assets originating in Trinidad and Tobago meets the investment requirements of regulation 2.

[Subsidiary]

INSURANCE (PENSION FUND PLANS REGISTRATION FEES) REGULATIONS

184/1970

made under sections 171(1) *and* 143(7) *of Act No.* 24 *of* 1966

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.

2. Interpretation.

3. Fee for registration of plan.

4. Fee for registration of amendment.

5. Fees payable to Comptroller of Accounts.

Citation.

1. These Regulations may be cited as the Insurance (Pension Fund Plans Registration Fees) Regulations.

Interpretation

2. In these Regulations—

"the Act" means the Insurance Act, 1966;

"Pension Fund Plan", "Plan" and "Registered Plan" have the same meaning as in Part VI of the Act.

Fee for registration of plan.

3. There shall be payable for the registration of any Plan a fee of fifty dollars.

Fee for registration of amendments, etc.

4. (1) Subject to regulation 3, there shall be payable for the registration of any amendment of the Rules of a registered plan or for any correction of the register occasioned by a change in the address of such plan or in the names or addresses of the trustees thereof, a fee of ten dollars.

(2) No fee shall be payable for the registration of any amendment or correction required, either expressly or by necessary implication, by any written law.

Fees payable to Comptroller of Accounts.

5. All fees prescribed by these Regulations shall be paid to the Comptroller of Accounts for account of the Supervisor of Insurance.

[Subsidiary]

INSURANCE (FORMS) REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.

2. Interpretation.

3. Forms to be used for accounts and balance sheets.

4. Forms of Abstracts of actuarial investigations.

5. Form of statement of long-term insurance business.

FIRST SCHEDULE.

SECOND SCHEDULE.

THIRD SCHEDULE.

[Subsidiary]

INSURANCE (FORMS) REGULATIONS

25/1967.

made under section 171 *of Act No.* 24 *of* 1966

Citation.

1. These Regulations may be cited as the Insurance (Forms) Regulations.

Interpretation.

2. In these Regulations "the Act" means the Insurance Act, 1966.

Forms to be used for accounts and balance sheets.

First Schedule.

3. (1) A revenue account for each financial year of a company required by section 45(1)(*a*) of the Act in respect of long-term insurance business carried on by the company shall be prepared in accordance with the appropriate Forms A1 to A5, Forms E1 and E2, Form F and Form G in the First Schedule.

(2) A revenue account for each financial year of a company required by section 45(1)(*b*) of the Act in respect of any insurance business, other than long-term insurance business carried on by the company shall be prepared in accordance with Form B1 or B2 in the First Schedule.

(3) A profit and loss account for each financial year of a company required by section 45(1)(*c*) of the Act in respect of a company carrying on more than one class of insurance business shall be prepared in accordance with Form C in the First Schedule.

(4) A balance sheet for each financial year of a company required by section 45(1)(*d*) of the Act shall be prepared in accordance with Form D1 or D2 in the First Schedule.

Form of abstract of Actuarial investigations.

Second Schedule.

4. (1) Where a company causes an actuary to make an investigation into its financial conditions under section 88(1)(*a*) of the Act, an abstract of such report required by section 88(1)(*b*) of the Act shall be prepared in accordance with the provisions set forth in the Second Schedule.

(2) Where a company causes an actuary to make an investigation into its financial conditions at any time under section 88(2) of the Act and the results of the investigation are made public, an abstract of such report shall be prepared in accordance with the provisions set forth in the Second Schedule.

Form of statement of long-term insurance business.

Third Schedule.

5. Where a company causes a statement of its long-term insurance business to be made, as required by section 88(1)(*c*) of the Act such statement shall be prepared in accordance with the provisions set forth in the Third Schedule.

FIRST SCEHDULE

(Section 45)

1. Form A is to be used for long-term insurance business only.

2. A set of Form A must be completed for each class of long-term insurance business listed in the First Schedule.

3. Items in this Form are to be net amounts after deduction of the amounts paid and received in respect of re-assurance of the company's risks.

4. If any sum has been deducted from the expenses of management account and taken credit for in the Balance Sheet as an asset, the sum so deducted to be separately shown in this Form.

5. The columns headed "Business outside Trinidad and Tobago" in the case of companies incorporated in Trinidad and Tobago are to relate only to business secured through Branch Offices or agencies outside of Trinidad and Tobago. In the case of companies incorporated outside of Trinidad and Tobago instead of completing this column they may submit the consolidated return deposited with the Supervising Authority in the country in which their Head Office is situated.

6. A summary of the Item "Appreciation of Assets" must be given in Form A2.

7. A summary of the Items "Salaries, Expenses of Management" must be given in Form A3.

8. Form B1 is to be used for Motor Vehicle Insurance Business only.

9. Form B2 is to be used for all other classes of General Insurance business.

10. A separate Form B2 must be completed for each class of General Insurance business undertaken.

11. The information given in Form B2 must be in respect of business done in Trinidad and Tobago only.

12. Form D1 is to be completed in respect of assets and liabilities held on behalf of the Trinidad and Tobago policy-holders only.

13. Forms E, F and G are in respect of long-term insurance business undertaken in Trinidad and Tobago.

FORM A1

Form applicable to Long-Term Insurance Business

REVENUE ACCOUNT OF THE (NAME OF COMPANY) FOR THE YEAR ENDED (DATE) IN RESPECT OF (CLASS OF INSURANCE)

Particulars	Business in Trinidad and Tobago (1)	Business outside of Trinidad and Tobago (1)	Total	Particulars	Business in Trinidad and Tobago	Business outside of Trinidad and Tobago (1)	Total (2)
Revenue				**Expenditure**			
Fund at beginning of the year ...				Amount paid or outstanding under policies			
Premiums:—				Claims:—			
Single				Death			
Others				Maturities			
				Others			
Consideration for annuities:—				Surrenders (including surrender of bonus)			
Single							
Others				Bonuses paid in Cash			
				Annuities			
TOTAL PREMIUMS				TOTAL POLICY PAYMENTS ...			
Interest, Dividends and Rents *less* Rates and Taxes thereon				Other Expenses:— Commissions			
NET INTEREST				Salaries			

FORM A1—CONTINUED

Form applicable to Long-Term Insurance Business

REVENUE ACCOUNT OF THE (NAME OF COMPANY) FOR THE YEAR ENDED (DATE) IN RESPECT OF (CLASS OF INSURANCE)

Particulars	Business in Trinidad and Tobago (1)	Business outside of Trinidad and Tobago (1)	Total	Particulars	Business in Trinidad and Tobago	Business outside of Trinidad and Tobago (1)	Total (2)
Revenue				**Expenditure**			
Appreciation of Assets				Expenses of Management ...			
Profits from sale of Assets ...				Other payment (to be specified)			
Transfers from Reserves (to be specified)				Fund at end of year			
Other Income (to be specified)							

(1) These columns need not be completed in respect to companies incorporated outside of Trinidad and Tobago provided they deposit a certified copy of the returns deposited with the Supervising Authority in the country in which their Head Office is situated.

FORM A2

Type of Securities	Gains			Losses		Net gain (+) or Losses (—)
	Writing up of book value	Recoveries	Excess of sale price or maturity value over book value	Writing down of book value	Deficiency of sale price or maturity value over book value	
	$	$	$	$	$	$
Gilt edged						
Shares						
Mortgage Loans						
Real Estate						
Collateral Loan						
Others (to be specified) ...						
TOTAL						

FORM A3

General and Investment Expenses

....
Name of Company *Year of Statement*

	Incurred during Year		Amount Incurred, Charged as Investment Expenses	
	Total	In respect of Trinidad and Tobago business	Total	In respect of Trinidad and Tobago business
	$	$	$	$
Rent				
Head Office Rents				
Branch Office Rents				
Total Rent				
Salaries, Wages and Allowances				
Head Office employees salaries and wages				
Branch Office employees, managers and agents salaries and wages ...				
Expense allowances and advances to agents				
Total Salaries, Wages and Allowances ...				
Employees and Agents Welfare				
Contributions to pension and insurance plans for agents and employees				
Other Welfare Items				
Total Employees and Agents Welfare ...				
Professional and Service Fees and Expenses				
Legal Fees and Expenses ...				
Medical Examination Fees ...				
Inspection Report Fees				
Auditors' Fees				
Investigation and settlement of claims				
Total Professional and Service Fees and Expenses				

FORM A3—CONTINUED

General and Investment Expenses—*Continued*

	INCURRED DURING YEAR		AMOUNT INCURRED, CHARGED AS INVESTMENT EXPENSES	
	Total	In respect of Trinidad and Tobago business	Total	In respect of Trinidad and Tobago business
	$	$	$	$
Miscellaneous Expenses				
Advertising				
Books, Periodicals, Bureau and Association Dues				
Collection and Bank Charges ...				
Insurance, except on Real Estate				
Office furniture and stationery, including postage, etc. ...				
Commissions on mortgages, custody of securities				
Travelling Expenses				
Sundry General Expenses ...				
TOTAL MISCELLANEOUS EXPENSES				
Real Estate Expenses, excluding Taxes				
Salaries and Wages				
Other Items				
TOTAL REAL ESTATE EXPENSES, EXCLUDING TAXES				
GRAND TOTALS				
Less Investment Expenses ...				
TOTAL GENERAL EXPENSES (i.e. excluding Investment Expenses)				

Companies incorporated outside of Trinidad and Tobago should complete this form in respect to business done in Trinidad and Tobago only.

FORM A4

Analysis of Premiums and consideration for Annuities

(In respect to business done in Trinidad and Tobago only)

	Ordinary Life		Non-cancellable Group Life	Industrial Life	Non-cancellable Sickness and Accident	Annuities			
						Ordinary		Approved Pension	
	Participating	Non-Participating				Participating	Non-Participating	Participating	Non-Participating
	$	$	$	$	$	$	$	$	$
1. Net of reinsurance ceded:									
(*a*) Single									
(*b*) First year ...									
(*c*) Renewals ...									
TOTAL ...									
2. Reinsurance ceded:									
(*a*) Single ...									
(*b*) First year ...									
(*c*) Renewals ...									
TOTAL ...									

FORM A5

Applicable to Bond Investment Business

REVENUE OF THE.....FOR THE YEAR ENDING.....IN RESPECT OF

BOND INVESTMENT BUSINESS

Particulars	Business in Trinidad and Tobago	Business outside of Trinidad and Tobago (1)	Total (1)	Particulars	Business in Trinidad and Tobago	Business outside of Trinidad and Tobago (1)	Total (1)
	$	$	$		$	$	$
Amount of Bond Investment and Endowment:— Certificate Fund at the beginning of the year				Claims under Bonds and Certificates paid and outstanding			
Additional reserves (if any)				Commission			
Premiums				Expenses of Management			
Interests, Dividends and Rents ...				Other payments (accounts to be specified)			
Less Income Tax thereon				Amount of Bond Investment and Endowment Certificate Fund at the end of the year as per Third Schedule			
Other Receipts (account to be specified)				Additional reserve (if any) ...			
(1) Similar to Table A1							

FORM B1

Applicable to Motor Vehicle Accident Insurance

ACCOUNT OF THE.....FOR THE YEAR ENDED.....IN RESPECT OF MOTOR VEHICLE ACCIDENT INSURANCE BUSINESS

Particulars	Business in Trinidad and Tobago	Business outside of Trinidad and Tobago (3)	Total (3)	Particulars	Business in Trinidad and Tobago	Business outside of Trinidad and Tobago (3)	Total (3)
	$	$	$		$	$	$
Amount of fund at beginning of year:—							
Reserve for unexpired risk:				Payment of claims including legal and medical expenses			
Estimated liability in respect to outstanding claims							
Additional reserves				Expenses of management			
				Other payments (to be specified)			
Premiums							
				Amount of fund at end of year:—			
Interest, Dividends and Rents ...				Reserved for unexpired risk ...			
				Estimated liability in respect to outstanding claims			
Less Income Tax							
Net Interest				Additional reserves			
Other Receipts							

1. Items in this Account to be the net amounts after deduction of the amounts paid and received in respect of re-insurances of the Company's risks.

2. If any sum has been deducted from the Expenses of management account, and taken credit for in the Balance Sheet as an asset, the sum so deducted to be separately shown in the above account.

3. Similar to (1) in Table A1.

FORM B2

Form applicable to all other classes of Insurance business

REVENUE OF THE ACCOUNT.....FOR THE YEAR ENDED.....IN RESPECT OF.....(CLASS OF INSURANCE)

Particulars	Business in Trinidad and Tobago	Particulars	Business in Trinidad and Tobago
	$		$
Amount of Insurance Fund at the beginning of the year:—		Claims under policies paid and outstanding ...	
Reserved for unexpired risks		Commission	
Additional reserve (if any)		Expenses of Management	
Premiums		Contribution to Fire Brigades	
Interest, Dividends and Rents		Other payments (accounts to be specified)	
Less Income Tax thereon		(i) Transferred to Profit and Loss	
Other receipts (accounts to be specified)		Amount of insurance fund at the end of the year as per Third Schedule:—	
		Reserves for unexpired risks being per cent of premium income for the year	
		Additional reserves (if any)	

1. Items in this Account to be the net amounts after deduction of the amounts paid and received in respect of re-insurance of the Company's risks.

2. If any sum has been deducted from the Expenses of management account, and taken credit for in the Balance Sheet as an asset, the sum so deducted to be separately shown in the above Account.

FORM C

PROFIT AND LOSS ACCOUNT OF THE.....FOR THE YEAR ENDING.....19.....

Particulars	Business in Trinidad and Tobago	Business outside of Trinidad and Tobago (2)	Total (2)	Particulars	Business in Trinidad and Tobago	Business outside of Trinidad and Tobago (2)	Total (2)
	$	$	$		$	$	$
Balance of last year's account ...				Dividends and bonuses to shareholders			
Interest and dividends not carried to other accounts				Expenses not charged to other accounts			
Less Income Tax thereon				Loss realised (accounts to be specified)			
Profit realised (accounts to be specified)				Other payments (accounts to be specified)			
Other receipts (accounts to be specified)				Balance as per Form D1 Schedule ...			

1. To be completed where a Company carried on more than one class of Insurance business.
2. Similar to (1) of Table A1.

FORM D1

BALANCE SHEET OF.....AS AT.....19.....

Liabilities	Long-Term Insurance Business	Motor Vehicle Insurance Business	All other Classes of Insurance Business	Total	Assets	Long-Term Insurance Business	Motor Vehicle Insurance Business	All other Classes of Insurance Business	Total
	$	$	$	$		$	$	$	$
Share Capital:—					Fixed Assets:—				
Authorised					Freehold Properties and Leasehold Properties				
Less unissued					Office Furniture and Fittings				
Subscribed Capital ...					Motor Vehicle, &c. ...				
Paid in Money					TOTAL FIXED ASSETS				
Otherwise than in Money									
Long-Term Funds:—					Loans:—				
Ordinary Life and General Annuity					On Mortgage				
Industrial					On Debentures or Shares				
Pension Annuity ...					On Policies of the Company				
Non-cancellable ...					On Life interest and Reversions				
Sickness and Accident ...									

FORM D1—CONTINUED

BALANCE SHEET OF.....AS AT.....19.....

Liabilities	Long-Term Insurance Business	Motor Vehicle Insurance Business	All other Classes of Insurance Business	Total	Assets	Long-Term Insurance Business	Motor Vehicle Insurance Business	All other Classes of Insurance Business	Total
	$	$	$	$		$	$	$	$
Bond Investment ...					On Personal Security ...				
Other classes:— Motor Vehicle					Other Loans (to be specified)				
Property					TOTAL LOANS ...				
Employers Liabilities, &c.					Investments:— Government Securities: Trinidad and Tobago ...				
Profit and Loss Account ...									
Balance					Other West Indies Governments ...				
Reserves (to be specified) ...					United Kingdom ...				
					Canadian				
					Other Commonwealth ...				

FORM D1—CONTINUED

BALANCE SHEET OF.....AS AT.....19.....

Liabilities	Long-Term Insurance Business	Motor Vehicle Insurance Business	All other Classes of Insurance Business	Total	Assets	Long-Term Insurance Business	Motor Vehicle Insurance Business	All other Classes of Insurance Business	Total
	$	$	$	$		$	$	$	$
Claims admitted or intimated but not paid (to be specified)					Company Securities:—				
Annuities due and unpaid ...					Debentures				
Bank Overdraft					Secured and unsecured notes				
Deposits					Preference shares ...				
Other liabilities (to be specified)					Ordinary shares ...				
					Life interest and reversions purchased				
					Cash on Deposit ...				
					Cash on Current Account and in hand				
					Other Assets:—				
					Outstanding Premiums				
					Interest, dividends and rents accruing but not due				
					Interest, dividends and rent outstanding				
					Sundry Debtors				
					Other investments (to be specified)				

NOTE 1—One Form D1 must be completed in respect to Trinidad and Tobago Business only and another Form D1 in respect to the Total business done by the company; however, foreign companies whose head office are in countries approved by the Supervisor, may instead deposit a copy of the Balance Sheet deposited with the Supervising Authority.

FORM D2

TO BE COMPLETED IN RESPECT OF ASSETS HELD IN THE STATUTORY FUND

1. Government Securities and Debentures:

Description	Year of Maturity	Interest		Par Value	Bulk Value	Rate used to obtain Market Value	Market Value	Interest	
		Rates	Due Dates					Due	Accrued
		$		$	$	$	$		$

2. Shares owned by Company:

Description	Rate of Dividend	Par Value of Share	Number of Shares	Book Value	Rate used to obtain Market Value	Market Value	Accrued Dividend on Shares quoted Ex-dividend
	$	$		$	$	$	$

FORM D2—CONTINUED

TO BE COMPLETED IN RESPECT OF ASSETS HELD IN THE STATUTORY FUND—*Continued*

3. Mortgage Loans:

Location of Property	Balance outstanding at end of year	Amount on which Interest was overdue for one year or more
	$	$

4. Real Estate owned by Company:

Description and Location of Property	Date Acquired	Encumbrance	Actual Cost	Book Value encumbrance	Market Value less encumbrance	Operation of Year of Account				
						Expended on Capital Account	Gross Income	Expended for taxes repairs and other recurring expenditure	Regular annual depreciation	Net Income
		$	$	$	$	$	$	$	$	$

FORM D2—CONTINUED

TO BE COMPLETED IN RESPECT OF ASSETS HELD IN THE STATUTORY FUND—*Continued*

5. Cash and Overdrafts:

Description	Bank	Net Cash Balance	Net Overdraft
	$	$	$

FORM E1

Class of Long-Term Insurance Business.....

Name of Company.....

New Insurance issued during the year ended.....

Type of Policy	Policies on Register in Trinidad and Tobago				
	Number of Policies	Sum Insured	Single Premiums	Annual Premiums	Total Commission paid
		$	$	$	$

NOTE—Items in this return shall be shown after deduction of amounts in respect of reinsurance.

FORM E2

Annuity Business

Type of Contract	Policies Registered in Trinidad and Tobago		
	Number of Policies	Annuity per annum	Consideration paid
		$	$
General Annuities:—			
Immediate			
Deferred			
Approved Pension Annuities ...			
Approved Deferred Annuities ...			

FORM F

Class of Long-Term Insurance Business.....

Name of Company.....

Insurance and Premium discontinued or redeemed during the year ended

.....

Type of Policy and cause of discontinuance	Policies Registered in Trinidad and Tobago		
	Number of Policies	Sum Insured	Annual Premium
		$	$
e.g. Whole Life:—			
Death			
Surrender			
Forfeiture, &c.			
Lapsed (i.e., Policies with no surrender value) ...			

FORM G

(In respect to Trinidad and Tobago Business only)

Class of Long-Term Insurance Business.....

Name of Company.....

Insurance existing on.....

Type of Policy	Numbers of Policy	Sum Assured	Annual Premium
		$	$

SECOND SCHEDULE

[Sections 139 (1)(*b*) and 139 (2)]

PART 1

PROVISIONS RELATING TO THE PREPARATION OF ABSTRACTS OF ACTUARY'S REPORTS

1. Abstracts shall be so arranged that the numbers and letters of the items correspond with those of the items of Part II of the Schedule.

2. Where any table of mortality or sickness used in a valuation is not a published table, then for the purpose of complying with item (3) of Part II of this Schedule, specimen policy values shall be given at the rate of interest employed in the valuation in respect of whole life insurance policies effected at the respective ages of 20, 30, 40 and 50, and having been in force respectively for five years, ten years and upwards at intervals of ten years; and similar specimen policy values shall be given in respect of endowment insurance policies effected at the respective ages of 20, 30, and 40 for endowment terms of twenty and thirty years, and in the case of policies involving continuous disability benefits, specimens of the valuation factors must be given.

Provided that, where the specimen policy values or valuation factors required by this Schedule to be given are the same as those given in any abstract prepared under Part II of this Schedule previously submitted by the company to the Supervisor, it shall be sufficient in any abstract subsequently submitted to refer to the specimens so given in such manner as to enable the Supervisor to ascertain the required information.

3. In showing the proportion which that part of the annual premiums reserved as a provision for future expenses and profits bears to the total of the annual premiums, in accordance with the requirements of item (4) of Part II of this Schedule, no credit is to be taken for any adjustments made in order to secure that no policy is treated as an asset.

4. (1) The average rate of interest earned in any year by the assets constituting a statutory fund shall, for the purposes of item (5) of Part II of this Schedule, be calculated by dividing the interest of the year by the mean fund of the year; and for the purposes of any such calculation the interest of the year shall be taken to be the whole of the interest, dividends and rents credited to the statutory fund during the year after deduction of rates and taxes (any refund of rates or taxes made during the year being taken into account), and the mean fund of the year shall be ascertained by adding a sum equal to one-half of the aggregate of the balance or balances of the revenue account or accounts and the balance or balances of any reserve accounts in respect of the life insurance business to which the statutory fund relates at the beginning of the year to a sum equal to one-half of the aggregate of the balances of those accounts at the end of the year, and deducting from the aggregate of those two sums an amount equal to one-half of the interest of the year.

(2) It must be stated in what manner the sums invested in reversions and the income and profits derived from those reversions have been treated in calculating the average rate of interest.

5. Every abstract prepared in accordance with the requirements of Part II of this Schedule shall be signed by an actuary and shall contain a certificate by him as to the accuracy of the valuation made for the purposes of the abstract and of the valuation data:

Provided that, if the actuary who signs the abstract is not a permanent officer of the company, the certificate as to the accuracy of the valuation data shall be given and signed by the principal officer of the company and the actuary shall insert in the abstract a statement signed by him showing what precautions he has taken to ensure the accuracy of the data.

6. The valuation should be done in respect to policies registered in Trinidad and Tobago only and for all policies separately.

7. For the purposes of this Schedule—

"extra premium" means a charge for any risk not provided for in the minimum contract premium;

"inter-valuation period" means, in relation to any valuation in respect of any class of business, the period to the valuation date of that valuation from the valuation date of the last preceding valuation under this Act (if any) or, if there is no preceding valuation under this Act, from the valuation date of the last preceding valuation made in respect of that class of business or, in a case where no preceding valuation has been made in respect of that class of business, from the date on which the company began to carry on that class of business;

"maturity date" means the fixed date on which any benefit will become payable either absolutely or contingently;

"net premiums" means, in relation to any valuation, the premiums for which credit is taken in the valuation;

"premium term" means the period during which premiums are payable;

"valuation date" means in relation to any valuation, the date as at which the valuation is made.

PART II

REQUIREMENTS AS TO ABSTRACTS

1. The following statements shall be annexed to every abstract prepared in accordance with the requirements of this Part:

(*a*) a Summary and Valuation, in accordance with Form I of this Schedule, of the policies included, at the valuation date, in the class of business to which the abstract relates; and

(*b*) a Valuation Balance Sheet, in accordance with Form II of this Schedule.

2. Every such abstract shall show:

(*a*) the Valuation date;

(*b*) the general principles and full details of the methods adopted in the valuation of each of the various classes of insurance and annuities shown in Form I of this Schedule, including statements on the following matters:

(i) whether the principles were determined by the instruments constituting the company or by its articles of association or other rules, or, if not, how the principles were determined;

(ii) the method by which the net premiums have been arrived at and how the ages at entry, premium terms and maturity dates, have been treated for the purpose of the valuation;

(iii) the methods by which the valuation age, period from the valuation date to the maturity date, and the future premium terms, have been treated for the purpose of the valuation;

(iv) the rate of bonus taken into account where, by the method of valuation definite provision is made for the maintenance of a specific rate of bonus;

(v) the method of allowing for—

the incidence of the premium income; and

the premiums payable otherwise than annually;

(vi) the methods by which provision has been made for the following matters:

the immediate payment of claims;

the future expenses and profits in the case of limited payment policies and paid-up policies;

the reserve in respect of lapsed policies, not included in the valuation, but under which a liability exists or may arise; and

payment of benefits or waiver of premiums during disability—

(A1) in operation at the valuation date; and

(B1) not in operation at that date, and whether any reserves have been made for those matters;

(vii) whether under the valuation method adopted any policy would be treated as an asset, and what steps have been taken to eliminate any such asset from the valuation;

(viii) a statement of the manner in which policies on under-average lives and policies subject to premiums which include a charge for climate, military or other extra risks have been dealt with; and

(ix) the currency in which the valuation is made, and the basis of conversion into that currency of the value of liabilities in other currencies;

(*c*) the tables of mortality, sickness and accident used, and the rate of interest assumed, in the valuation;

(*d*) the proportion which that part of the annual premiums reserved as a provision for future expenses and profits bears to the total of the annual premiums, separately specified in respect of insurances with immediate profits, with deferred profits, and without profits;

(*e*) the average rates of interest earned by the assets constituting the relevant statutory fund for each of the five years preceding the valuation date;

(*f*) the basis adopted in the distribution of surplus as between the company and policy-holders, and whether that basis was determined by the instruments constituting the company, or by its articles of association or other rules, or, if not, how the basis was determined;

(*g*) the general principles adopted in the distribution of surplus among policy-holders, including statements on the following matters:

(i) whether the principles were determined by the instruments constituting the company, or by its articles of association or other rules, or, if not, how the principles were determined;

(ii) the number of years' premiums to be paid, period to elapse, and other conditions to be fulfilled, before a bonus is allotted;

(iii) whether the bonus is allotted in respect of each year's premiums paid, or in respect of each completed calendar year or year of insurance or, if not, how the bonus is allotted; and

(iv) whether the bonus vests immediately on allocation or, if not, the conditions of vesting;

(*h*) the total amount of surplus arising during the inter-valuation period including surplus paid away and sums transferred to reserve funds or other accounts during that period, and the amount brought forward from the preceding valuation (to be stated separately) and the allocation of that surplus—

(i) to interim bonus paid;

(ii) among policy-holders with immediate participation, giving the number of the policies which participated and the sums insured under the policies (excluding bonuses);

(iii) among policy-holders with deferred participation, giving the number of the policies which participated and the sums insured under the policies (excluding bonuses);

(iv) among shareholders or to shareholders' accounts (any such sums passed through the accounts during the inter-valuation period to be separately stated); and

(v) to every reserve fund, or other fund or account (and such sums passed through the accounts during the inter-valuation period to be separately stated); and

(vi) as carried forward unappropriated;

(*i*) specimens of bonuses allotted as at the valuation date to policies for every one thousand dollars of the sum assured.

(i) for the whole term of life effected at the respective ages of 20, 30 and 40, and having been in force respectively for five years, ten years and upwards at intervals of ten years;

(where different rates of bonus are allocated to policies under which the premiums are payable for a limited term only, similar specimen bonuses shall be shown for policies having premium terms of ten and twenty years respectively); and

(ii) for endowment insurances effected at the respective ages of 20, 30 and 40, for endowment terms of fifteen, twenty and thirty years and effected at age 20 for an endowment term of forty years, and having been in force respectively for five years, ten years and upwards at intervals of ten years;

(*j*) where bonuses are allotted as reversionary additions to the sums insured under policies, a statement of the basis and conditions under which those bonuses may be surrendered for cash; and

(*k*) a statement of the value allowed for surrender of policies for every one thousand dollars of the sum assured—

(i) for the whole term of life effected at the respective ages of 20, 30 and 40 and having been respectively in force for five years, ten years and upwards at intervals of ten years; and

(ii) for endowment insurances effected at the respective ages of 20, 30 and 40 for endowment terms of fifteen, twenty and thirty years and effected at age 20 for an endowment term of forty years, and having been in force respectively for five years, ten years and upwards at intervals of ten years.

FORM I

Summary and Valuation of the Policies of the.....**in respect of**
(*Name of Company*)

Long-Term.....**at**.....19.....
(*Insurance Business*)

Description of Transactions	Policies Registered in Trinidad and Tobago						Total Policies (5)					
	Particulars of the Policies for Valuation					Net Liability	Particulars of the Policies for Valuation					Net Liability
	Number of Policies	Sums Insured	Bonuses	Office Yearly Premiums	Net Yearly Premiums		Number of Policies	Sums Insured	Bonuses	Office Yearly Premiums	Net Yearly Premiums	
		$	$	$	$			$	$	$	$	
Insurance Policies												
Group 1—With immediate participation in profits ...												
For whole term of life ...												
Other classes (to be specified separately)												
Extra Premiums												
Total Insurances												
Deduct reinsurances ...												
Net Insurances												
Group 2—With deferred participation in profits ...												
For whole term of life ...												
Other classes (to be specified separately)												
Extra Premiums												

FORM I—CONTINUED

Summary and Valuation of the Policies of the.....**in respect of**
(*Name of Company*)

Long-Term.....**at**.....19.....
(*Insurance Business*)

Description of Transactions	POLICIES REGISTERED IN TRINIDAD AND TOBAGO						TOTAL POLICIES (5)					
	Particulars of the Policies for Valuation					Net Liability	Particulars of the Policies for Valuation					Net Liability
	Number of Policies	Sums Insured	Bonuses	Office Yearly Premiums	Net Yearly Premiums		Number of Policies	Sums Insured	Bonuses	Office Yearly Premiums	Net Yearly Premiums	
		$	$	$	$			$	$	$	$	
Total Insurance												
Deduct reinsurances ...												
Net Insurances												
TOTAL NET INSURANCES WITH PROFITS ...												
Group 3—Without participation in profits												
For whole term of life ...												
Other classes (to be specified separately)												
Extra Premiums												
Total Insurances												
Deduct reinsurances ...												
TOTAL NET INSURANCES WITHOUT PROFITS ...												

FORM I—CONTINUED

Summary and Valuation of the Policies of the.....**in respect of**
(*Name of Company*)

Long-Term.....**at**.....19.....
(*Insurance Business*)

Description of Transactions	POLICIES REGISTERED IN TRINIDAD AND TOBAGO						TOTAL POLICIES (5)					
	Particulars of the Policies for Valuation					Net Liability	Particulars of the Policies for Valuation					Net Liability
	Number of Policies	Sums Insured	Bonuses	Office Yearly Premiums	Net Yearly Premiums		Number of Policies	Sums Insured	Bonuses	Office Yearly Premiums	Net Yearly Premiums	
		$	$	$	$			$	$	$	$	
Other Policies												
Group 4—Endowments												
Endowments on lives ...												
Other classes (to be specified separately)												
Total Endowments ...												
Deduct reinsurances ...												
TOTAL NET ENDOWMENTS												
Group 5—Annuities												
Immediate annuities on lives												
Deferred Annuities												
Approved pension annuities												
Approved deferred annuities												

FORM I—CONTINUED

Summary and Valuation of the Policies of the.....**in respect of**
(*Name of Company*)

Long-Term.....**at**.....19.....
(*Insurance Business*)

Description of Transactions	POLICIES REGISTERED IN TRINIDAD AND TOBAGO						TOTAL POLICIES (5)					
	Particulars of the Policies for Valuation					Net Liability	Particulars of the Policies for Valuation					Net Liability
	Number of Policies	Sums Insured	Bonuses	Office Yearly Premiums	Net Yearly Premiums		Number of Policies	Sums Insured	Bonuses	Office Yearly Premiums	Net Yearly Premiums	
		$	$	$	$			$	$	$	$	
Others (to be specified) ...												
Total annuities												
Deduct reinsurances ...												
TOTAL NET ANNUITIES ...												
Group 6—Other Long-Term Insurance business ...												
Classes (to be specified) ...												
TOTAL OF THE RESULTS AFTER DEDUCTION OF REINSURANCES ...												

NOTE 1—Items in this Summary may be stated to the nearest dollar.
NOTE 2—Policies without participation in profits but with a guaranteed rate of bonus shall be shown separately in Group 3.
NOTE 3—Where any adjustments have been made in the valuation, details of the adjustment shall be specified separately in respect of each group, in this form.
NOTE 4—Office and net premiums and the values of the latter shall be shown after abatements made by the application of bonus.
NOTE 5—For foreign companies whose head office are in countries approved by the Supervisor, may, instead of completing this section of the table deposit a copy of the returns submitted to the Home Supervising Authority.

FORM II

VALUATION BALANCE SHEET.....OF.....AS AT.....19.....

(In respect to business done in Trinidad and Tobago only)

	Total		Total
	$		$
Net liabilities under policies on registers in Trinidad and Tobago		Balance of Revenue Account	
Other		Deficiency (if any)	
Surplus (if any)			

THIRD SCHEDULE

(Regulation 5)

PROVISIONS RELATING TO THE PREPARATION OF STATEMENTS OF LIFE INSURANCE BUSINESS

PART I

Regulations

1. Statements prepared under this Schedule shall be prepared, so far as practicable, in tabular form and shall be identified by numbers and letters corresponding with those of the items of Part II of this Schedule.

2. Except with respect to rates of premium or contributions, items in statements prepared under this Schedule shall be shown to the nearest dollar.

3. Extra premiums where shown separately in Form I prepared under the Third Schedule shall not be included in statements prepared under this Schedule.

4. Every statement prepared under this Schedule shall be signed by the actuary making the investigation in connection with which it is prepared.

5. For the purposes of this Schedule—

"extra premiums" means a charge of any risk not provided for in the minimum contract premium;

"net premiums" means the premiums for which credit is taken in the valuation in connection with which any statement is prepared;

"valuation date" means in relation to any valuation, the date as at which the valuation is made.

6. Statements shall be prepared under this Schedule both for the total business before deduction in respect of re-insurances of the risks of the company, and for those re-insurances.

7. Where the rates of office premiums required to be shown in any statement prepared under this Schedule are the same as the rates shown in any statement previously so prepared and submitted to the Supervisor, it shall be sufficient to refer to the rates so shown in such manner as to enable the Supervisor to ascertain the required information.

PART II

Requirements as to Statements

The Statements required to be prepared under this Part are as follows:

(1) Statements as to policies issued in Trinidad and Tobago, separately prepared in respect of policies with and without participation in profits, showing—

(*a*) in relation to policies for the whole term of life, the rates of office premiums charged, in accordance with the published tables in use, for new policies giving the rates for decennial ages at entry from 20 to 70 inclusive;

(*b*) in relation to endowment insurance policies, the rates of office premiums charged, in accordance with the published tables in use, for new policies with original terms of ten, fifteen, twenty, thirty and forty years, giving the rates for ages at entry 20, 30 and 40, but excluding policies under which the age at maturity exceeds 60;

(*c*) in relation to policies specified in the preceding provisions of this item under which a continuous disability benefit is granted, the office premiums for that benefit under new policies, and the conditions which must be fulfilled before a continuous disability benefit—

(i) is allowed;

(ii) ceases to be allowed; and

(*d*) in relation to sinking fund policies the rates of office premiums charged in accordance with the published tables in use for new policies with original terms of 10, 15, 20 and 30 years:

Provided that, in the case of industrial policies, there shall be shown, in lieu of the rates of office premiums charged as specified in the foregoing items, the sums insured by new policies, in accordance with the published tables in use, in return for fixed weekly and monthly office premiums and in addition the sums insured for ages at entry 1, 5, 10 and 15;

(2) Statements separately prepared in respect of policies with immediate profits, with deferred profits, and without profits, showing in quinquennial groups—

(*a*) in relation to policies on single lives for the whole term of life—

(i) the total amount insured (specifying sums insured and reversionary bonuses separately) grouped according to ages attained;

(ii) the amount per annum, after deducting abatements made by application of bonus, of office premiums payable throughout life, and of the corresponding net premiums, grouped according to ages attained; and

(iii) the amount per annum, after deducting abatements made by application of bonus, of office premiums payable for a limited number of years, and, of the corresponding net premiums grouped in accordance with the grouping adopted for the purposes of the valuation;

(*b*) in relation to endowment insurance policies on single lives—

(i) the total amount insured (specifying sums insured and reversionary bonuses separately) grouped in accordance with the grouping adopted for the purposes of the valuation; and

(ii) the amount per annum (after deducting abatements made by application of bonus, of office premiums payable and of the corresponding net premiums) grouped in accordance with the grouping adopted for the purposes of the valuation;

(*c*) in relation to policies specified in the preceding provisions of this item, under which a continuous disability benefit is granted—

(i) the total amount of continuous disability benefit insured under the policies, grouped in accordance with the grouping adopted for the purposes of the valuation; and

(ii) the amount per annum, after deducting abatements made by application of bonus, of office premiums payable (including premiums of which payment is, at the valuation date, suspended owing to disability arising from sickness or accident) and the corresponding net premiums, grouped according to the grouping adopted for the purposes of the valuation; and

(*d*) in relation to sinking fund policies (other than annuity policies)—

(i) the total amount insured (specifying sums insured and reversionary bonuses separately) grouped according to the number of complete years from the valuation date to the date of maturity of the policies; and

(ii) the amount per annum, after deducting abatements made by application of bonus, of office premiums payable, and of the corresponding net premiums, grouped according to the number of years' payments remaining to be made;

Provided that—

(*a*) in relation to endowment insurance policies or sinking fund policies which will reach maturity in less than five years, and which are grouped for the purposes of the valuation according to the years in

which the policies will mature for payment, the information required by sub-items (*b*)(1), (*c*)(i) and (*d*)(i) of this item shall be given for each year instead of in quinquennial groups; and

(*b*) where the net premiums in respect of policies for the whole term of life with premiums payable for a limited number of years, or the net premiums in respect of endowment insurance policies, are grouped for the purposes of the valuation otherwise than according to the number of years' payments remaining to be made, or, where the sums insured under endowment insurance policies are grouped for the purposes of the valuation otherwise than according to the years in which the policies will mature for payment or in which they are assumed to mature if earlier than the true year, then, in any such case, the valuation constants and an explanation of the method by which they are calculated shall be given for each group, and, in the case of sums insured under endowment insurance policies, a statement shall also be given of the amount insured maturing for payment in each of the two years following the valuation date;

(3) Statements in relation to immediate annuities (separate for those payable under an approved scheme and others) on single lives for the whole term of life and annuities which were originally deferred but which have been entered upon before or on the valuation date, separately prepared in respect of annuities on male and female lives, showing in quinquennial age groups the total amount of those annuities, grouped according to ages attained at the valuation date;

(4) statements in relation to deferred annuities (separate for those payable under an approved scheme and others) which have not been entered upon before or on the valuation date, separately prepared in respect of annuities on male and female lives, showing in quinquennial groups—

(*a*) the total amount of those annuities, grouped according to the number of years from the valuation date to the date the annuity is to be entered upon, and either—

(i) the average age obtained by weighing according to the amount of the annuity, attained at the valuation date by the prospective annuitants; or

(ii) the valuation constants and an explanation of the method by which they are calculated; and

(*b*) the amount per annum of office premiums payable and of the corresponding net premiums, grouped according to the number of years' payments remaining to be made;

(5) statements in relation to sinking fund policies, being immediate annuity policies, showing in quinquennial groups the total amount of those annuities, grouped according to the number of years from the valuation date to the date the annuities cease to be payable;

(6) statements showing in quinquennial groups the amount per annum of continuous disability benefits payable at the valuation date in respect of disability of more than one years' duration, grouped according to ages attained; and

(7) statements showing the total amount of continuous disability benefit paid and premiums waived in each of the five years immediately preceding the valuation date.

[Subsidiary]
152/1980

INSURANCE COMPANIES (REGISTRATION) REGULATIONS

made under section 214(1)

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.
2. Application Form.

SCHEDULE

Citation

1. These Regulations may be cited as the Insurance Companies (Registration) Regulations.

Application Form Schedule

2. Every application for registration under Part II of the Act shall be made in the form specified in the Schedule.

SCHEDULE

FORM I

No. .....

Date Received .....

(Coat of Arms)

OFFICE OF THE SUPERVISOR OF INSURANCE,
MINISTRY OF FINANCE

APPLICATION FOR REGISTRATION BY AN INSURANCE COMPANY

(*The Insurance Act, Chap.* 84:01, *section* 14)

TO THE SUPERVISOR OF INSURANCE:

1. I hereby apply on behalf of the company named below for registration to carry on in Trinidad and Tobago the following class or classes of insurance business:

[*See* Note (ii) of Directions]

Signature.....
Office: Director/Principal Representative

Date: .....

2. Name of Company: .....

.....

3. Address of the registered office of the company in Trinidad and Tobago:

.....

.....

.....

Telephone No. : .....

DIRECTIONS TO APPLICANTS

(i) Where the information required cannot be supplied on the application form it should be typed as an appendix on separate sheets of paper using the same numbering and sub-lettering contained in the application.

(ii) If the company intends to limit its activities to insuring only some of the risks of the class or classes of insurance business for which registration is being sought, this should be indicated.

(iii) A separate sheet should be used for each person about whom information is to be supplied under items (18) and (19).

(iv) The certificate at the end of the last page of the application must be signed by two Directors and by the Chief Executive or Secretary.

(v) A company need not supply the information required at items 2, 19 and 20 if at the time of making this application it already renders returns to the Supervisor of Insurance.

(vi) All amounts shown in the application must be in Trinidad and Tobago currency and where these amounts have been converted from other currencies the rate of conversion must be stated.

(vii) The term "Classes of Insurance Business" means the classes of business set out in the First Schedule to the Insurance Act.

(viii) Any actuarial certificate required must be supplied by the actuary appointed under section 112(1) of the Insurance Act.

(ix) A company on first application must attach to the application three (3) copies of all the audited accounts of the Company prepared during the last three (3) years.

(x) The Supervisor of Insurance must be notified at once of any change in the information supplied on the application form after the date of its submission. If after registration there is any change in the particulars specified in the application or other information supplied the company must notify the Supervisor in writing within thirty (30) days of the change. Where, however, the change relates to the Chief Executive Officer or a controller written notification must be given within fourteen (14) days.

(xi) The Supervisor may upon receipt of an application request the applicant to furnish such additional information as he may consider to be relevant to the application.

(xii) A person is guilty of an offence who signs any document required by or under the Insurance Act, to be signed by him which contains any false particulars known to him to be false. (Section 207)

PARTICULARS OF APPLICATION

A—*Particulars of Company*

1. The name and address of the person resident in Trinidad and Tobago appointed to be the Company's principal representative.

2. (*a*) Date of incorporation;

(*b*) Place of incorporation;

(*c*) Summary of main objects:
[*See* Note (i) of Directions]

(*d*) The amount of
(i) Authorised Capital.
(i) Subscribed/Paid-up Capital.
(iii) Capital paid-up in cash; or
(iv) Uncommitted reserves (if a mutual company).

(*e*) The amount by which the assets of the company exceed liabilities, (including all contingent or prospective liabilities, but not liabilities in respect of share capital) at present.

B—*Particulars of Business*

3. State the class or classes of insurance business which the company carries on at present—
(*a*) In Trinidad and Tobago;
(*b*) Elsewhere (specify countries).

4. Give particulars of any business other than insurance business which the company carries on or proposes to carry on—
(*a*) In Trinidad and Tobago;
(*b*) Elsewhere.

5. If the company has been refused permission to carry on any class or classes of insurance business in any other country, give details.

6. State whether or not any of the company's directors has or proposes to hold beneficial ownership in any insurance brokerage business in Trinidad and Tobago; give details.

7. State the date on which it is proposed to commence transacting business if registered.

C—*Business Plan*

8. The estimated amount of premium income during each of the next three years in respect of each class of insurance business which the company will carry on, in the following form:

	Gross			Net of Reinsurance		
	Year 1 $	Year 2 $	Year 3 $	Year 1 $	Year 2 $	Year 3 $
(*a*) Direct Insurance in Trinidad and Tobago						
(*b*) Direct Insurance elsewhere ...						
(*c*) Reinsurance accepted in Trinidad and Tobago ...						
(*d*) Reinsurance accepted elsewhere						
(*e*) Total (*a*) to (*d*) ...						

9. The amount (if any) by which it is intended to increase the paid-up capital of the company in cash in each of the next three years.
Year 1..... Year 2..... Year 3.....

10. The sum expected to be spent in each of the next three years on new premises, office equipment, motor vehicles, etc. (*See* Note I of Directions).
Year 1:
Year 2:
Year 3:

11. The sum expected to be spent during each of the next three years on advertising and other methods of promoting business—
Year 1:
Year 2:
Year 3:

12. For each class of insurance business to be carried on by the company in Trinidad and Tobago during the next three years state;
(*a*) The method or methods by which the policies will be marketed (e.g., by the company's own organisation, by brokers, salesmen, agents or by all methods).
(*b*) If more than one method is to be used, the expected proportions to be marketed by each.
(*c*) The rates of commission which will be paid to brokers, salesmen and agents; and
(*d*) The extent to which and the conditions under which any broker or agent will have binding authority to commit the company.

[*See* Note (i) of Directions].

13. Indicate the way in which claims will be settled (e.g., by the company, by outside adjusters or by agents with authority to settle claims):

[*See* Note (i) of Directions].

14. The names of the Company's agents in Trinidad and Tobago, their addresses and the classes of insurance business for which they will be responsible.

15. In respect of each class of business for which registration is being sought:

(*a*) State the proposed premium rates before deduction of commission (The premium rate book must be submitted in the case of companies carrying on long-term insurance business).

(*b*) State the percentage of premiums (net of reinsurance) which claims are expected to form.

(*c*) State the percentage of premiums (net of reinsurance) which management expenses excluding commissions are expected to form.

(*d*) State the percentage of premiums (net of reinsurance) which commissions are expected to form.

(*e*) Attach specimens of the standard forms of proposal and policy to be used and issued in Trinidad and Tobago.

If application for registration to carry on long-term insurance business is being made, the information specified in (*b*), (*c*) and (*d*) above need not be supplied. Instead, the applicant should attach a statement of the actuarial basis of the premium rates and in the case of linked long-term business the proportion of premiums which is to be invested in or related to the specified fund should be stated. The applicant should also supply a certificate by an actuary stating that he considers that the premium rates are satsifactory in the light of the information disclosed in the application and that the proposed amount of capital is adequate to support the amount of business.

D.—*Details of Reinsurance Arrangements.*

16. State the nature and extent of the existing or proposed reinsurance arrangements in respect of each class of business indicating clearly the amount of the applicant company's retention in each case (Attach supporting statements, treaties, etc.).

[*See* Note (i) of Directions].

17. State the names of the insurance companies or associations of underwriters which will reinsure each class of the company's business and the amount which will be reinsured by each. If more than ten companies will reinsure a class of business, the names of only the principal reinsurers need be stated.

[*See* Note (i) of Directions].

E.—*Control of Company*

18. Give the particulars required at (*a*) to (*k*) in respect of:

(i) Comptrollers of the company other than the present directors.

(ii) The present directors of the company.

(iii) Any directors it is proposed at present to appoint.

(iv) Any other person in accordance with whose directions the directors of the company or any of them act or will act.

(*a*) Full names (including any previous name or names by which known).

(*b*) Address.

(*c*) Nationality (including whether it was acquired by birth, descent or naturalisation).

(*d*) Date of birth.

(*e*) Place of birth.

(*f*) Present occupation and previous occupations during the past ten years.

(*g*) Particulars (including date and place) of any convictions for offences involving fraud or dishonesty in Trinidad and Tobago or elsewhere.

(*h*) Whether the person has been adjudicated bankrupt during the last ten years and particulars of any company with which the person was associated during the last ten years and which was compulsorily wound-up whilst he was associated with it.

(*i*) Percentage of the share capital of the company in which the person has an interest.

(*j*) Other directorships held during the past ten years.

(*k*) The names of any other companies in which the person is entitled to exercise or control the exercise of one-third or more of the voting power at a general meeting.

[*See* Note (iii) of Directions].

19 In respect of the company's actuary and each of the persons who will be in charge of one or more of the following departments of the company, viz., fire, accident, life, marine, claims agency, investment, accounting and underwriting, by whatever title he may be known, give:

(*a*) Full name (including any previous name or names by which known).

(*b*) Address.

(*c*) Date of Birth.

(*d*) Place of Birth.

(*e*) Position held in applicant company.

(*f*) Qualifications, training and experience.

(*g*) Previous companies by which employed during the past ten years and positions held.

(*h*) Particulars (including date and place) of any convictions for offences involving fraud or dishonesty in Trinidad and Tobago or elsewhere.

If the actuary is a consulting actuary the name of the partnership in which he is a partner.

[*See* Note (iii) of Directions].

F.—*Investments and Bankers*

20. List the Investments (under the appropriate headings) held by the company, the value of each investment at the end of the financial year immediately preceding the date of this application and give the method of valuation.

21. The place or places at which the documents of title in respect of the company's present investments are held, the place or places at which it is proposed to hold the documents of title in respect of the company's present and future investments and particulars of any of the documents which are or will be held outside Trinidad and Tobago.

22. The names and addresses of the banks in which the company has accounts at present or intends to have accounts.

G.—*Financial Year and Auditors.*

23. The date on which the company's financial year ends.

24. In respect of the person appointed to act as auditor to the company, give:

(i) Full name.

(ii) Address.

(iii) Qualifications.

(iv) The professional association in which membership is held.

H.—*Documentation.*

25. This application is accompanied by:

(*a*) A copy of the instrument establishing the company or any other duly certified proof of incorporation.

(*b*) A copy of the memorandum of the company.

(*c*) A copy of the articles of association or other rules of the company.

(*d*) A copy of the latest revenue account and balance sheet prepared in accordance with the prescribed forms.

(*e*) A copy of the latest valuation report on the financial position of the company.

(*f*) Details of reinsurance arrangements requested in section D(16) of the application.

(*g*) A statement of projections of revenue and expenditure for a period of three years, such statement to be prepared by an actuary in the case of a company carrying on long-term insurance business.

(*h*) The premium rate book requested in section C15(*a*) of the application.

(*i*) The specimen forms requested in section C15(*e*) of the application.

We certify that to the best of our knowledge and belief all of the information given in this application is true and correct.

[*See* Note (IV) of Directions].

(i) .....
Signature (Director)

(ii) .....
Signature (Director)

(iii) .....
Signature (Chief Executive Officer/Manager Secretary)

.....
Date

[Subsidiary]

INSURANCE COMPANIES (ACCOUNTS AND FORMS) REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.
2. Interpretation.
3. Revenue account.
4. Profit and loss account.
5. Balance sheet.
6. Salaries, expenses of management.
7. Abstract of actuarial report.
8. Statement.
9. Abstract of results of actuarial report.
10. Accounts to be shown in Trinidad and Tobago Currency.
11. Corresponding accounts to be shown in certain cases.
12. Certificate of actuary.
13. Notes to be stated.

[Subsidiary]

INSURANCE COMPANIES (ACCOUNTS AND FORMS) REGULATIONS

39/1981

made under section 214

1. These Regulations may be cited as the Insurance Companies (Accounts and Forms) Regulations. Citation

2. In these Regulations— Interpretation

"Accounts" means the Balance Sheet, Profit and Loss Account and the Revenue Account of a company;

"Aviation hull insurance business" means the business of effecting and carrying out contracts of insurance—

(*a*) upon aircraft or upon the machinery, tackle, furniture or equipment of aircraft;

(*b*) upon goods, merchandise or property of any description whatever, other than cargo, on board an aircraft;

(*c*) upon the freight of or any other interest in or relating to aircraft;

(*d*) against damage, other than damage to cargo, arising out of, or in connection with, the use of aircraft, including third-party risks;

(*e*) against any other risks, not being transit risks, insurance against which is customarily undertaken in conjunction with or as incidental to, the undertaking of such business as falls within this definition by virtue of any of paragraphs (*a*) to (*d*);

"categories of marine, aviation and transport insurance business" means marine hull insurance business, aviation hull insurance business and transport insurance business;

"claims equalisation" means the amount set aside by a company at the end of its financial year to be used for the purpose of preventing exceptional fluctuations in the amounts charged to revenue in subsequent financial years in respect of claims under insurance contracts;

"claims outstanding" means the amount set aside by a company at the end of its financial year for the purpose of meeting unsettled claims, (including claims in respect of which the amounts have not been determined and claims arising out of incidents which have not been notified to the company) under contracts of insurance, in respect of incidents occurring before the end of that year and for the purpose of meeting expenses likely to be incurred in connection with the settlement of such claims;

"gross premiums" means premiums after deduction of refunds and rebates of premiums but before deduction of premiums for reinsurane ceded and commission payable by the company;

"marine hull insurance business" means the business of effecting and carrying out contracts of insurance—

(*a*) upon vessels, or upon the machinery, tackle, furniture or equipment of vessels;

(*b*) upon goods, merchandise or property of any description whatever, other than cargo, on board of vessels;

(*c*) upon the freight of, or any other interest in or relating to, vessels;

(*d*) against damage, other than damage to cargo, arising out of, or in connection with, the use of vessels including third-party risks;

(*e*) against risks incidental to the construction, repair or docking of vessels, including third-party risks; or

(*f*) against any other risks (not being transit risks) insurance against which is customarily undertaken in conjunction with, or as incidental to the undertaking of such business as falls within this definition by virtue of any of paragraphs (*a*) to (*e*);

"reinsurance ceded" includes reinsurance retroceded;

"reinsurance recoveries" includes recoveries in connection with reinsurance retroceded;

"unearned premiums" means the amount set aside by a company at the end of its financial year out of premiums in respect of risks to be borne by the company after the end of its financial year under contracts of insurance entered into before the end of that year;

"unexpired risks" means the amount set aside by a company at the end of its financial year, in addition to unearned premiums, in respect of risks to be borne by the company after the end of its financial year under contracts of insurance entered into before the end of that year.

Revenue account to be prepared in accordance with Forms A1 to A3 and Form E or Forms B1 to B4 and Form E.

3. A revenue account required by section 56(1)(*a*) of the Act to be prepared by a company at the expiration of each financial year shall be—

(*a*) in accordance with the appropriate forms set out as Forms A1 to A3 and Form E, in respect of each class of long-term insurance business carried on by the company; and

(*b*) in accordance with the appropriate forms set out as Forms *B1 to B4* and Form E, in respect of any other class of insurance business carried on by the company.

NOTE: * Form B1 is to be used for general insurance business.

* Form B2 is to be used by local companies only.

* Form B3 is to be used by foreign companies.

* Form B4—Separate forms must be submitted by companies carrying on motor insurance business and such other class of insurance business as the Supervisor may specify.

Profit and loss account to be prepared in accordance with Form C.

4. A profit and loss account required by section 56(1)(*b*) of the Act to be prepared by a company at the expiration of each financial year shall be prepared in accordance with the form set out as Form C.

Balance sheet to be prepared in accordance with Forms D1 to D3.

5. A balance sheet required by section 56(1)(*c*) of the Act to be prepared by a company at the expiration of each financial year shall be prepared in accordance with the forms set out as *Forms D1 to D3.

Summary of Items "Salaries, Expenses of Management" to be completed in accordance with Form E.

6. A summary of the items "Salaries, Expenses of Management" must be given in accordance with the forms set out as †Form E.

Abstract of actuarial report to be in accordance with Second Schedule.

7. Where pursuant to paragraph (*a*) of section 113(1) of the Act, a company causes an actuary to make an investigation into its financial condition, an abstract of the report required by paragraph (*b*) of that section shall be prepared in accordance with the provisions of the Second Schedule.

Statement to be in accordance with Third Schedule.

8. Where pursuant to section 113(1)(*c*) of the Act, a company causes a statement of its long-term insurance business to be made, such statement shall be prepared in accordance with the provisions of the Third Schedule.

Abstract of result to be in accordance with Second Schedule.

9. Where pursuant to section 113(2) of the Act a company causes an actuary to make an investigation into its financial condition and the results of the investigation are made public, an abstract of such results shall be prepared in accordance with the provisions of the Second Schedule.

Accounts to be shown in Trinidad and Tobago currency.

10. (1) All amounts which are required to be shown in the accounts or in any statement, certificate or report annexed (exclude Head Office) thereto which by these Regulations are required or permitted to be so annexed shall be shown in Trinidad and Tobago currency.

NOTES: * Form D1 is to be completed in respect of Trinidad and Tobago business only.

A separate Form D1 must be completed in respect of total business done by the company.

However, a foreign company whose head office is in a country approved by the Supervisor, may instead deposit a copy of the Balance Sheet deposited with the Supervising Authority in the country in which its Head Office is situated.

† This Form must be completed by all companies, but where a company is carrying on both long-term insurance business and general insurance business in Trinidad and Tobago one Form may be completed in respect of all classes of insurance business.

(2) The basis adopted in converting foreign currency to Trinidad and Tobago currency for items in the accounts must be stated.

Corresponding accounts to be shown in certain cases.

11. For all items shown in the accounts or in any Statement, Certificate or report annexed thereto, required by these Regulations there shall, except in the case of accounts relating to the first financial year of the company beginning after 31st December, 1980 be shown the corresponding amounts for the immediately preceding financial year.

Certificate of actuary to show aggregate amount of company's liabilities.

12. There shall be annexed to every balance sheet prepared in pursuance of section 56(1)(*c*) of the Act being a balance sheet of a company which has at any time during the financial year carried on a long-term business, a certificate signed by an actuary stating whether or not, in his opinion, the aggregate amount of the liabilities of the company in relation to its long-term business as at the end of the financial year exceeded the aggregate amount of those liabilities as shown in the Balance Sheet.

Notes to be stated.

13. Notes on accounting policies adopted or applied in the formulation or preparation of the accounts must be stated in the accounts.

FORM A1

LONG-TERM BUSINESS REVENUE ACCOUNT OF (NAME OF COMPANY) FOR THE YEAR ENDING (DATE)

Particulars	Business in Trinidad and Tobago (each class in a separate column)	Business outside of Trinidad and Tobago	Total
	$(T&T)	$(T&T)	$(T&T)
INCOME			
1. Fund brought forward ...			
2. Premiums (net of refunds, rebates, and premiums for reinsurance ceded):—			
Single			
Other			
Consideration for annuities:—			
Single			
Other			
Total Premiums			
3. Commissions Received ...			
4. (i) Interest, Dividends and Rents (ii) Less Rates and Taxes thereon			
5. Other Income (particulars to be specified)			
6. Total			
	$(T&T)	$(T&T)	$(T&T)
EXPENDITURE			
7. Claims (net of reinsurance recoveries):—			
8. Commissions Paid			
9. Expenses of Management ...			
10. Shareholders' share of distributable surplus transferred to Profit and Loss Account			
11. Other Expenditure (particulars to be specified)			
12. Fund carried forward			
13. Total			

NOTES:

1. The column "Business outside of Trinidad and Tobago" need not be completed in respect of companies incorporated outside of Trinidad and Tobago provided they deposit a certified copy of the returns deposited with the Supervising Authority in the country in which their Head Office is situated.

2. Amounts against each item are to be given in a separate column for each class of long-term business.

3. Commissions Paid and Expenses of Management related to new business must be supplied in notes to the accounts.

4. Each amount shown against item 5 is to be analysed in or in a note to the Account, such analysis showing how much of that amount consists of each of the following categories of payment:

(*a*) payments under life policies on death otherwise than by way of return of premiums;

(*b*) payments on the maturity of life policies otherwise than by way of return of premiums;

(*c*) payments by way of periodical endowment benefits;

(*d*) payments on the surrender of life policies otherwise than by way of return of premiums;

(*e*) payments made by way of return of premiums;

(*f*) payments on the separate surrender of bonuses attaching to life policies;

(*g*) annuity payments;

(*h*) payments under long-term personal accident contracts, and

(*i*) payments under capital redemption contracts.

FORM A2

LONG-TERM BUSINESS PREMIUM ANALYSIS OF [NAME OF THE COMPANY FOR THE YEAR ENDING (DATE) IN RESPECT OF BUSINESS DONE IN TRINIDAD AND TOBAGO ONLY]

	Ordinary Life		Industrial Life	Annuities			
				Ordinary		Approved Pension	
	Participating	Non-Participating		Participating	Non-Participating	Participating	Non-Participating
	$(T&T)	$(T&T)	$(T&T)	$(T&T)	$(T&T)	$(T&T)	$(T&T)
1. ANALYSIS OF PREMIUMS							
Gross premiums in respect of:							
(*a*) Trinidad and Tobago business							
(*b*) Overseas business ...							
(*c*) Total							
2. ANALYSIS OF REINSURANCE CEDED							
(i) Reinsurance premiums in respect of—							
(*a*) Trinidad and Tobago business							
(*b*) Overseas business ...							
(*c*) Total							
(ii) Reinsurance recoveries ...							
(iii) Commission [included in (i) on reinsurance business ceded] ...							

FORM A3

SUMMARY OF CHANGES IN LONG-TERM BUSINESS OF (NAME OF COMPANY) FOR THE YEAR ENDING (DATE) RESPECT OF TRINIDAD AND TOBAGO BUSINESS

(1) Changes in business in force during the financial year

	ASSURANCES		DEFERRED ANNUITIES		ANNUITIES IN PAYMENTS	
	Number of Policies	Sums Assured	Number of Policies	Amounts of Annuity per annum	Number of Policies	Amounts of Annuity per annum
In force at beginning of year						
New business ...						
Net transfers and other alterations "on" ...						
Bonus allotted ...						
Total "on" ...						
Deaths						
Maturities						
Surrenders						
Forfeitures						
Conversions to paid up policies for reduced benefits						
Lapses (i.e., Policies with no surrender value)						
Net transfers, expiries and other alterations "off"						
Total "off" ...						
In force at end of year						

NOTES:

1. Information in the form is to be Net of Reinsurance.

2. Separate statements are to be submitted in respect of each class of long-term business.

(2) New business taken on during the year ended.....

Class of Long-Term Insurance Business.....

Name of Company.....

Type of Policy	Policies on Register in Trinidad and Tobago			
	Number of Contracts	Sums Assured or amounts of annuity per annum	Single Premium and considera-tions	Annual Premiums
		$(T&T)	$(T&T)	$(T&T)
Assurances:—				
Non-group				
Group				
Total				
Deferred annuities:—				
Non-group				
Group				
Total				
Immediate annuities:—				
Non-group				
Group				
Total				
Other (to be specified) ...				

NOTE:—

(i) Items in this return shall be shown after deduction of amounts in respect of reinsurance.

(ii) The amounts shown for group business are to include increments under existing schemes.

FORM B1

GENERAL BUSINESS REVENUE ACCOUNT OF (NAME OF THE COMPANY) FOR THE YEAR ENDING (DATE)

	Liability	MARINE, AVIATION AND TRANSPORT			Motor vehicle	Pecuniary loss	Personal accident	Property	Other (to be specified)	Treaty reinsurance not dealt with in columns 1 to 9	Total
		Marine hull	Aviation hull	Transport							
INCOME	$(T&T)	$(T&T)	$(T&T)	$(T&T)	$(T&T)	$(T&T)	$(T&T)	$(T&T)	$(T&T)	$(T&T)	$(T&T)
1. Unearned premiums brought forward											
2. Unexpired risks brought forward											
3. Claims outstanding brought forward											
4. Claims equalisation brought forward											
5. Funds brought forward											
6. Premiums (net of refunds, rebates and premiums for reinsurance ceded)											
7. Commission											
8. Interest, dividends and rents less Rates and Taxes thereon ...											
9. Other Income (particulars to be specified)											
10. Transfer from Profit and Loss Account											
11. Total											

FORM B1—CONTINUED

GENERAL BUSINESS REVENUE ACCOUNT OF (NAME OF THE COMPANY) FOR THE YEAR ENDING (DATE)—*Continued*

	Liability	MARINE, AVIATION AND TRANSPORT			Motor vehicle	Pecuniary loss	Personal accident	Property	Other (to be specified)	Treaty reinsurance not dealt with in columns 1 to 9	Total
		Marine hull	Aviation hull	Transport							
EXPENDITURE	$(T&T)	$(T&T)	$(T&T)	$(T&T)	$(T&T)	$(T&T)	$(T&T)	$(T&T)	$(T&T)	$(T&T)	$(T&T)
12. Claims including legal and medical expenses (net of salvage, reinsurance and other recoveries) ...											
13. Commission											
14. Contributions to Fire Brigades ...											
15. Expenses of Management ...											
16. Other expenditure (particulars to be specified)											
17. Unearned premiums carried forward											
18. Unexpired risks carried forward ...											
19. Claims outstanding carried forward											
20. Claims equalisation carried forward											
21. Fund carried forward											
22. Transfer to Profit and Loss Account											
23. Total											

NOTES

1. Companies incorporated in Trinidad and Tobago must complete a similar form in respect of business outside of Trinidad and Tobago.

2. Companies incorporated outside of Trinidad and Tobago need not complete a separate form in respect of business outside of Trinidad and Tobago, provided they deposit a certified copy of the returns deposited with the Supervising Authority in the country in which their Head Office is situated.

3. Facultative reinsurance business accepted is to be included in whichever is appropriate of columns 1 to 9.

4. If any amount shown in any column against items 1, 2, 3, 4 or 5 does not agree with the corresponding amount carried forward from the previous year's account, a statement is to be given of the reasons for the difference.

5. The basis on which the amounts shown against items 1 and 17 respectively have been calculated is to be stated in a note on or statement annexed to the account and, if this be less accurate than the twenty-fourths method, the reason for its adoption is to be so stated.

FORM B2 (LOCAL COMPANIES ONLY)

PREMIUM ANALYSIS—GENERAL BUSINESS OF THE (NAME OF COMPANY) FOR THE YEAR ENDING (DATE)

	Liability	MARINE, AVIATION AND TRANSPORT			Motor vehicle	Pecuniary loss	Personal accident	Property	Other (to be specified)	Treaty reinsurance not dealt with in Columns 1 to 9	Total
		Marine hull	Aviation hull	Transport							
1. ANALYSIS OF PREMIUMS											
(i) Gross premiums received:											
(*a*) Local direct and facultative business											
(*b*) Local reinsurance business other than facultative business											
(*c*) Overseas direct and facultative business... ...											
(*d*) Overseas reinsurance business other than facultative business... ...											
(*e*) Treaty reinsurance business in which local and overseas business cannot be distinguished ...											
(*f*) Total											
(ii) Premiums (net of refunds rebates and premiums for reinsurance ceded) ...											

FORM B2 (Local Companies Only)—*Continued*

PREMIUM ANALYSIS—GENERAL BUSINESS OF THE (NAME OF COMPANY) FOR THE YEAR ENDING (DATE)—*Continued*

	Liability	Marine, Aviation and Transport			Motor vehicle	Pecuniary loss	Personal accident	Property	Other (to be specified)	Treaty reinsurance not dealt with in Columns 1 to 9	Total
		Marine hull	Aviation hull	Transport							
(*a*) in respect of Trinidad and Tobago direct business and facultative reinsurance business accepted by months in respect of contracts commencing in:—											
1st Month ...											
2nd Month ...											
3rd Month ...											
4th Month ...											
5th Month ...											
6th Month ...											
7th Month ...											
8th Month ...											
9th Month ...											
10th Month ...											
11th Month ...											
12th Month ...											
TOTAL											

FORM B2 (Local Companies Only)—*Continued*

PREMIUM ANALYSIS—GENERAL BUSINESS OF THE (NAME OF COMPANY) FOR THE YEAR ENDING (DATE)—*Continued*

	Liability	MARINE, AVIATION AND TRANSPORT			Motor vehicle	Pecuniary loss	Personal accident	Property	Other (to be specified)	Treaty reinsurance not dealt with in Columns 1 to 9	Total
		Marine hull	Aviation hull	Transport							
(*b*) treaty reinsurance accepted in First quarter 19..... Second Quarter 19..... Third Quarter 19..... Fourth Quarter 19.....											
2. ANALYSIS OF PREMIUMS CEDED											
(i) Reinsurance premiums in respect of—											
(*a*) Trinidad and Tobago business											
(*b*) Overseas business ...											
(*c*) Treaty Reinsurance in which local and overseas components cannot be distinguished											
(*d*) Total											

FORM B2 (Local Companies Only)—*Continued*

PREMIUM ANALYSIS—GENERAL BUSINESS OF THE (NAME OF COMPANY) FOR THE YEAR ENDING (DATE)—*Continued*

	Liability	Marine, Aviation and Transport			Motor vehicle	Pecuniary loss	Personal accident	Property	Other (to be specified)	Treaty reinsurance not dealt with in Columns 1 to 9	Total
		Marine hull	Aviation hull	Transport							
(ii) Reinsurance Recoveries ...											
(iii) Commission on Reinsurance business ceded											

NOTES:

Amounts are to be shown in column 10 only in respect of business accepted or ceded by the company under treaties of reinsurance covering more than one class of insurance business in respect of which it is not practicable to distinguish individual classes of business. Amounts in respect of all other reinsurance business accepted or ceded are to be included in whichever is appropriate of columns 1 to 9.

FORM B3—(FOREIGN COMPANIES)

PREMIUM ANALYSIS—GENERAL BUSINESS OF THE (NAME OF COMPANY) FOR THE YEAR ENDING (DATE)

	Liability	MARINE, AVIATION AND TRANSPORT			Motor vehicle	Pecuniary loss	Personal accident	Property	Other (to be specified)	Treaty reinsurance not dealt with in Columns 1 to 9	Total
		Marine hull	Aviation hull	Transport							
1. ANALYSIS OF PREMIUMS											
(i) Gross premiums received in Trinidad and Tobago—											
(*a*) Direct and facultative business											
(*b*) Reinsurance business other than facultative business											
Total											
(ii) Net Premiums											
(iii) Monthly Premiums (Net of refunds, rebates and premiums for reinsurance ceded):—											
1st Month											
2nd Month											
3rd Month											

FORM B3 (Foreign Companies)—*Continued*

PREMIUM ANALYSIS—GENERAL BUSINESS OF THE (NAME OF COMPANY) FOR THE YEAR ENDING (DATE)—*Continued*

	Liability	MARINE, AVIATION AND TRANSPORT			Motor vehicle	Pecuniary loss	Personal accident	Property	Other (to be specified)	Treaty reinsurance not dealt with in Columns 1 to 9	Total
		Marine hull	Aviation hull	Transport							
4th Month											
5th Month											
6th Month											
7th Month											
8th Month											
9th Month											
10th Month											
11th Month											
12th Month											
Total											

FORM B4

STATEMENT OF ESTIMATED LIABILITY IN RESPECT OF OUTSTANDING CLAIMS

Part I—Claims arising during the year of Account ending 19.....

(*a*) Claims arising and settled during the year of account ending 19.....

Class of Claims	No. of Claims	Amount Paid $
1. Property damage	—	—
2. Third-Party Death and Personal Injury Claims ...	—	—
3. Other Claims (to be specified)	—	—

(*b*) Claims arising during and outstanding at the end of the year of account.

Class of Claims	No. of Claims	Amount paid on account during year	Estimated Liability in respect of payments remaining to be made
1. Property damage			
2. Third-Party Death and Personal Injury Claims			
3. Other Claims (to be specified) ...			

Part II—Outstanding claims which arose prior to year of account

(1) Class of Claims	(2) Estimated Liability at beginning of year	(3) Claims Paid during the year	(4) Estimated Liability re-claims still out-standing	(5) Totals of (3) & (4)
	No. Amt.	No. Amt.	No. Amt.	No. Amt.
1. Property damage ...				
2. Third-Party Death and Personal Injury Claims				
3. Other Claims (to be specified) ...				

Part III—Summary of estimated liability in respect of outstanding claims as at end of the year

Claims outstanding in respect of year of account ...	...	$
Claims outstanding in respect of prior years ...	...	$
Total		$
Total Estimated Liability in respect of outstanding claims		$

STATEMENT OF ESTIMATED LIABILITY IN RESPECT OF OUTSTANDING CLAIMS (CONTINUATION)

NOTE:

Separate forms must be completed by companies carrying on the following classes of business:

(1) Motor Insurance business

(2) Any other class that the Supervisor may require

(3) In respect of Motor Insurance business the information submitted must be detailed as follows:

(*a*) Property Damage

(i) Private Cars (Full comprehensive)

(ii) Private Cars (Third-Party)

(iii) Other

FORM "C"

PROFIT AND LOSS ACCOUNT OF THE (NAME OF COMPANY) FOR THE YEAR ENDING (DATE)

PARTICULARS	Business in T. & T.	Business outside of T. & T.	Total
INCOME			
1. Balance of last year's account			
2. Interest and dividends not carried to other accounts (less Rates, Taxes thereon)			
3. Profit realised (Accounts to be specified)			
4. Other receipts (Details to be specified) ...			
5. Total			
EXPENDITURE			
6. Taxation			
7. Dividends and Bonuses to shareholders ...			
8. Expenses not charged to other accounts ...			
9. Loss sustained (Accounts to be specified) ...			
10. Other payments (Details to be specified) ...			
11. Balance as per Form D1			
12. Total			

Provisions as to the Profit and Loss Account

1. There shall be shown—

(*a*) in the case of a company which at any time in the financial year carried on general business, the amounts respectively transferred to and transferred from the general business revenue account of the company for the financial year;

(*b*) in the case of a company which at any time in the financial year carried on long-term business, the amounts respectively transferred to and transferred from the long-term business revenue account of the company for the financial year;

(*c*) the amount of interest on loans of the following kinds made to the company (whether on the security of debentures or not), namely bank loans, overdrafts and loans which, not being bank loans or overdrafts,—

(i) are repayable otherwise than by instalments and fall due for repayment before the expiration of the period of five years beginning with the day next following the expiration of the financial year; or

(ii) are repayable by instalments the last of which falls due for payment before the expiration of that period;

and the amount of the interest on loans of other kinds so made (whether on the security of debentures or not);

(*d*) the amounts respectively provided for redemption of share capital and for redemption of loans;

(*e*) the amount of expenses of management not shown in the revenue account;

(*f*) the amount of taxation not shown in the revenue account;

(*g*) the amount of other expenditure not shown in the revenue account classified under appropriate headings;

(*h*) the aggregate amount of interest, dividends and rents (before deduction of tax) not shown in the revenue account;

(*i*) the amount of other income not shown in the revenue account classified under appropriate headings;

(*j*) the aggregate amount (before deduction of income tax) of the dividends paid and proposed.

2. The amount of any charge arising in consequence of the occurrence of an event in a preceding financial year and of any credit so arising shall, if not included in a heading relating to other matters, be stated under a separate heading.

3. The following shall be stated by way of note, if not otherwise shown:

Any material respects in which any items shown in the profit and loss account are affected—

(*a*) by transactions of a sort not usually undertaken by the company or otherwise by circumstances of an exceptional or non-recurrent nature; or

(*b*) by any change in the basis of accounting.

FORM D1

BALANCE SHEET OF (NAME OF COMPANY) AS AT (DATE)

Liabilities	Long-Term Insurance Business	Motor Vehicle Insurance Business	All Other Classes of Insurance Business	Total
	$	$	$	$
Share Capital				
Authorised				
.....share of $..... each				
Issued and fully paid:—				
.....share of $..... each				
Share Premium Account ...				
Retained Profits				
Total Capital and Reserves ...				
Insurance Funds				
Long-Term Funds:—				
Ordinary Life				
Industrial Life ...				
Motor Vehicle				
Other classes (to be specified)				
Claims admitted or intimated but not paid (to be specified)				
Premiums Paid in Advance ...				
Outstanding Commissions ...				
Amount due to reinsurers ...				
Bank Loans and Overdrafts ...				
Other liabilities (to be specified)				
Total Liabilities Assets ...				
1. Fixed Assets:—				
Real Estate				
Other				
Total Fixed Assets				
2. Loans:—				
On Mortgage				
On Policies of the Company				
Other				
Total Loans ...				
3. Government Securities ...				
4. Company Securities ...				
5. Cash				
6. Current Assets				
7. Other				
Total Assets as Per Form D2				

FORM D2

STATEMENT OF VALUE OF ASSETS AT (BALANCE SHEET DATE)

Assets	Long-Term Insurance Business	Motor Vehicle Insurance Business	All Other Classes of Insurance Business	Total
	$	$	$	$
1. Fixed Assets:— Real Estate including buildings ... ... Office Furniture and Fittings' Motor Vehicles ...				
2. Loans:— On Mortgage ... ... On Debentures or Shares On Policies of the Company Other (to be specified) ...				
3. Government Securities:— (*a*) Trinidad and Tobago				
(*b*) Securities guaranteed by the Government of Trinidad and Tobago (specify)				
(*c*) Other "Caricom" Government ...				
(*d*) United Kingdom ...				
(*e*) Canada				
(*f*) Other (specify) ...				
4. Ordinary Shares in Trinidad and Tobago Companies (particulars to be specified)				
5. Ordinary Shares in non-Trinidad and Tobago Companies (distinguish between Caricom and other foreign countries)				
6. Preference Shares in Trinidad and Tobago Companies...				
7. Preference Shares in non-Trinidad and Tobago Companies (distinguish between Caricom and other foreign Companies)				
8. Bonds and Debentures in Trinidad and Tobago Companies				

FORM D2—CONTINUED

STATEMENT OF VALUE OF ASSETS AT (BALANCE SHEET DATE)

Assets	Long-Term Insurance Business	Motor Vehicle Insurance Business	All Other Classes of Insurance Business	Total
	$	$	$	$
9. Bonds and Debentures in non-Trinidad and Tobago Companies (distinguish between Caricom and other countries)				
10. Investment in dependent companies which are insurance companies ...				
11. Investment in dependent companies which are not insurance companies ...				
12. Other investments (specify)				
13. Cash Deposits with the Supervisor of Insurance ...				
14. Fixed Deposits with Bank				
15. Fixed Deposits with other financial institutions (specify)				
16. Cash on Current Account and in hand				
17. Amounts due from agents and sub-agents				
18. Amounts due from brokers } Uncollected Premiums				
19. Amounts due from Policy holders				
20. Amounts due from other Insurance Companies ...				
21. Interest, dividends and rents accruing but not due				
22. Interest, dividends and rents outstanding ...				
23. Sundry Debtors ...				
24. Other Assets (specify) ...				
Total Assets as per Form D1				

FORM D3

STATUTORY FUND REQUIREMENT

(a) in respect of Long-Term Insurance Business as at

(Balance Sheet..... Date).....

LIABILITIES TO TRINIDAD AND TOBAGO POLICYHOLDERS

	$
Add	
Long-Term Funds:—	
Ordinary Life	
Industrial Life	
Outstanding Claims:—	
Death	
Maturities	
Other (to be specified)	
Annuities due and unpaid	
Provisions for unreported claims	
Deposits *re* policies	
Premiums paid in advance	
Unpaid dividends	
Accrued interest on policies	
Other (specify)	
Less	
Loans on policies of the Company	
Interest accrued on policy loans	
Outstanding Premiums	
Other (specify)	
Statutory Fund Requirement	

FORM D3—CONTINUED

STATUTORY FUND REQUIREMENTS

(*b*) *in respect of Motor Insurance Business as at*

(*Balance Sheet*..... *Date*).....

LIABILITIES TO TRINIDAD AND TOBAGO POLICYHOLDERS

	$
Add	
Unearned premium Reserves as per Form B1	
Estimated Liability for Outstanding claims as per Form B1	
Other (specify)	
Less	
Outstanding Premiums	
Other (specify)	
Less	
Market Value of Securities placed on deposit with the Supervisor of Insurance in respect of Motor Insurance business	
Statutory Fund Requirement	

PART I

Provisions as to the Balance Sheet of every company

1. Where the amount of any liabilities shown in the balance sheet or in any statement or report annexed thereto includes an amount of indebtedness of the company (whether on account of a loan or otherwise) to any dependent company, in showing the amount of these liabilities such part of that amount as represents indebtedness to dependent companies shall be separately distinguished.

2. The aggregate amount (before deduction of income tax) which is recommended for distribution by way of dividend shall be shown.

3. The matters referred to in the following subparagraph shall be stated by way of note, or in a statement or report annexed, if not otherwise shown.

(1) Where practicable the aggregate amount or estimated amount, if it is material, of contracts for capital expenditure, so far not provided for and where practicable, the aggregate amount or estimated amount if it is material, of contracts for capital expenditure authorised by the directors which has not been contracted for.

PART II

Additional provisions as to the Balance Sheet of a company carrying on general business but not long-term business

4. There shall be shown under separate headings:

(*a*) the aggregate amounts set aside respectively for:

(i) unearned premium,

(ii) unexpired risks,

(iii) claims outstanding, and

(iv) claims equalisation;

(*b*) the amount payable to policyholders, brokers and agents including any amount payable in connection with reinsurance accepted by the company but excluding any amount payable in connection with claims under insurance contracts;

(*c*) the amount payable to the company's reinsurers identifying any part of the amount of reinsurance premiums payable which has been retained by the company as a security for future claims against the company's reinsurers;

(*d*) the amount payable to persons carrying on insurance business (other than amounts payable in connection with reinsurance accepted and ceded);

(*e*) the amount of bank loans and overdrafts;

(*f*) the amount payable to other creditors classified under appropriate headings;

(*g*) other amounts set aside classified under appropriate headings.

5. (1) There shall be shown under separate headings:—

(*a*) the amount receivable from policyholders, brokers and agents including any amount receivable in connection with reinsurance accepted by the company identifying any part of the amount receivable by way of reinsurance premiums which has been retained by persons reinsured as a security for future claims against the company;

(*b*) the amount receivable from the company's reinsurers;

(*c*) the amount receivable from persons carrying on insurance business (other than amounts receivable in connection with reinsurance accepted or ceded);

(*d*) the amount receivable from other debtors;

(*e*) cash on current account at bankers and in hand;

(*f*) the amount of assets not included in the amounts shown under other headings classified under appropriate headings.

6. (1) The matters referred to in the following subparagraphs shall be stated by way of note, or in a statement or report annexed, if not otherwise shown.

(2) Particulars of any charge on the assets of the company to secure the liabilities of any other person (other than liabilities arising under a contract of reinsurance), including the amount secured.

(3) The general nature of any other contingent liabilities not provided for (other than one arising under a contract of insurance) and the aggregate amount or estimated amount of those liabilities, if it is material.

PART III

Additional provisions as to the Balance Sheet of a company carrying on long-term business—but not general business

7. The requirements of Part II of this Schedule shall apply and shall apply as if—

(i) for head (*a*) of paragraph 4(1) there were substituted—

(*a*) the amount of each long-term business fund carried forward in the revenue account of the company for the financial year.

PART IV

Additional provisions as to the Balance Sheet of a Composite Company

8. The requirements of Part II of this Schedule shall apply and shall apply as if in head (*a*) of paragraph 4(1) after the words "the aggregate amounts set aside respectively" there were added the words "in relation to the company's general business." In showing the amount of each item thus required to be shown and in stating any matter in relation to any amount thus required to be shown and in stating any matter in relation to any amount required to be stated there shall be excluded any part of that amount which relates only to the company's long-term business and, in relation to each amount so excluded, that amount shall be separately shown (or the relevant matter in relation to that amount shall be separately stated), in the Balance Sheet and the following amounts in relation to the company's long-term business shall also be so shown under separate headings that is to say—

(*a*) the amount of each fund carried forward in the long-term business revenue account of the company for the financial year; and

(*b*) the amount of claims admitted but not paid.

FORM E

GENERAL AND INVESTMENT EXPENSES

....
Name of Company *Year of Statement*

	INCURRED DURING YEAR		AMOUNT INCURRED CHARGED AS INVESTMENT EXPENSES	
	Total	In respect of Trinidad and Tobago business	Total	In respect of Trinidad and Tobago business
	$(T&T)	$(T&T)	$(T&T)	$(T&T)
Rent				
Head Office Rents				
Branch Office Rents				
TOTAL RENT				
Salaries, Wages and Allowances				
Head Office employees: salaries and wages				
Branch Office employees, managers and agents: salaries and wages ...				
Expense allowances and advances to agents				
TOTAL SALARIES, WAGES AND ALLOWANCES ...				
Employees and Agents Welfare				
Contributions to pension and insurance plans for agents and employees				
Other Welfare Items				
TOTAL EMPLOYEES AND AGENTS WELFARE ...				
Professional and Service Fees and Expenses				
Legal Fees and Expenses ...				
Medical Examination Fees ...				
Inspection Report Fees				
Auditors' Fees				
Investigation and settlement of claims				
TOTAL PROFESSIONAL AND SERVICE FEES AND EXPENSES				

FORM E—CONTINUED

GENERAL AND INVESTMENT EXPENSES—*Continued*

....
Name of Company *Year of Statement*

	INCURRED DURING YEAR		AMOUNT INCURRED CHARGED AS INVESTMENT EXPENSES	
	Total	In respect of Trinidad and Tobago business	Total	In respect of Trinidad and Tobago business
	$(T&T)	$(T&T)	$(T&T)	$(T&T)
Miscellaneous Expenses				
Advertising				
Books, Periodicals, Bureau and Association Dues				
Collection and Bank Charges ...				
Insurance, except on Real Estate Office furniture and stationery including postage, etc. ...				
Commissions on mortgages, custody of securities				
Travelling Expenses				
Sundry General Expenses ...				
TOTAL MISCELLANEOUS EXPENSES				
Real Estate Expenses, Excluding Taxes				
Salaries and Wages				
Other Items				
TOTAL REAL ESTATE EXPENSES, EXCLUDING TAXES				
GRAND TOTALS				
Less Investment Expenses ...				
TOTAL GENERAL EXPENSES (i.e., excluding Investment Expenses)				

Companies incorporated outside of Trinidad and Tobago should complete this form in respect to business done in Trinidad and Tobago only.

SUBSIDIARY LEGISLATION

INSURANCE (ADMISSIBLE ASSETS AND VALUATION OF ASSETS) REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.
2. Interpretation.
3. Dependent Company.
4. Application.
5. Shares in and debts due or to become due from dependents.
6. Debts and other rights.
7. Land or real estate.
8. Equipment.
9. Quoted investments.
10. Life interest, reversionary interest, etc.
11. Unit Trust.
12. Contribution Certificate.
13. Unquoted shares.
14. Other assets.
15. Assets to be taken into account only to a specified extent.

SCHEDULE

[Subsidiary]

107/1982.

INSURANCE (ADMISSIBLE ASSETS AND VALUATION OF ASSETS) REGULATIONS

made under section 214(1)(*k*)

Citation.

1. These Regulations may be cited as the Insurance (Admissible Assets and Valuation of Assets) Regulations.

Interpretation.

2. (1) In these Regulations—

"approved financial institution" means—

(*a*) any institution in which a company is required to invest its funds for the purposes of sections 29(6) and 46(1) of the Act;

(*b*) any institution as the Minister may from time to time approve;

"asset" includes part of an asset;

"computer equipment" means the electro-mechanical and electronic units which make up a computer configuration and includes a software package or packages used in pursuance of the business of a company;

"contribution certificate" has the meaning referred to in section 2 of the Unit Trust Corporation of Trinidad and Tobago Act;

Chap. 83:03.

"debenture" includes debenture stock and bonds, whether constituting a charge on assets or not, and loan stock or notes;

"debt" means an obligation to pay premiums or other monies outstanding to the account of an insurance company;

"insurance liabilities" means in relation to an insurance company, any debt due from or other liabilities of the company under any contract of insurance to which it is a party;

"intermediary" means a person who in the course of any business or profession invites other persons to make offers or proposals

or to take other steps with a view to entering into contracts of insurance with an insurance company;

"liability" includes a contingent or prospective liability and a part of a liability but does not include a liability in respect of share capital;

"middle market price" means—

(*a*) in relation to an investment for which two prices are quoted in the official list published for the relevant market, the average of the two prices so quoted for the day on which the investment falls to be valued or, if no official list has been published for that day for the most recent day prior to that day for which the official list has been published;

(*b*) in relation to an investment for which one price is quoted in the official list for the relevant market, the price so quoted for the day on which the investment falls to be valued or, if no official list has been published for that day for the most recent day prior to that day for which the official list has been published; and

(*c*) in any other case, the nearest equivalent to the average referred to in paragraph (*a*) which is published or can be reasonably ascertained from information which is published;

"parent company" means a company incorporated in Trinidad and Tobago or elsewhere which owns or controls directly or indirectly more than fifty per cent of the voting shares of one or more companies whether incorporated in Trinidad and Tobago or elsewhere;

"proper valuation" means in relation to land, a valuation made by a qualified valuer not

more than three years before the relevant date which determined the amount which would be realised at the time of the valuation on an open market sale of the land free from any mortgage or charge;

"qualified valuer" means a person who—

(*a*) is a fellow or professional associate of the Royal Institution of Chartered Surveyors or a fellow or associate of the Incorporated Society of Valuers and Auctioneers or the Rating and Valuation Association and has knowledge and experience in the valuation of land; or

(*b*) is approved for the time being by the Minister for the purpose of these Regulations;

"quoted" and "unquoted" means in relation to an investment that there has been granted a quotation or permission to deal in respect of that investment on any stock exchange which is a recognised stock exchange approved by the Minister for the purpose of these Regulations; and "unquoted" shall be construed accordingly;

"relevant date" means in relation to the valuation of any asset for any purpose for which these Regulations apply, the date when the asset falls to be valued for that purpose;

"share" includes a stock;

"subsidiary" means a subsidiary company or company whether incorporated in Trinidad and Tobago or elsewhere in which another company holds more than fifty per cent of its shares.

(2) For the purpose of the business of general insurance companies the assets referred to in these Regulations are admissible assets.

Dependent company.

3. For the purpose of these Regulations, a company is a dependent of another company where—

(*a*) that other company, either alone or with any associate or associates is entitled to

exercise, or control the exercise of one-third or more of the voting power at any general meeting of the first-mentioned company; or

(*b*) the first-mentioned company is a dependent of any company which is that other company's dependent.

Application.

4. (1) These Regulations apply with respect to the determination of the value of assets of insurance companies.

(2) Any asset to which these Regulations apply (other than cash) for the valuation of which no provision is made in these Regulations shall, unless approved by the Minister, be left out of account for the purposes specified in paragraph (1).

(3) Where it is provided by these Regulations that the value of any asset is to be not greater than as determined in accordance with these Regulations and in all the circumstances of the case it appears that the asset is of a lesser value, such lesser value shall be the value of the asset.

Shares in and debts due or to become due from dependents.

5. (1) The value of any share in a dependent of an insurance company shall be not greater than that part of the net asset value of the dependent which would be payable in respect of the share if the dependent were in liquidation and the net asset value were the amount distributable to the shareholders in the winding up.

(2) In this regulation "net asset value" means in relation to a dependent the amount by which the value of its assets, as determined in accordance with these Regulations, exceeds the amount of its liabilities including contingent and prospective liabilities but not including liabilities in respect of share capital.

(3) The value of any debt due, or to become due, to an insurance company from a dependent shall be the amount which would reasonably be expected to be recovered in respect of that debt (due respect being taken of any security held in respect thereof) if the dependent were in liquidation.

(4) Any share in a dependent—

(*a*) in which there is no such excess of assets over liabilities as is mentioned in subregulation (2);

(*b*) in relation to which an insurance company cannot reasonably ascertain the amount of the liabilities of the dependent for the purposes of subregulation (2),

shall be left out of account for the purposes for which these Regulations apply.

(5) Where an insurance company is unable to determine the value of any debt due or to become due to the company from a dependent because it cannot reasonably ascertain the amount of the liabilities of the dependent for the purpose of ascertaining what would reasonably be expected to be recovered in respect of that debt in accordance with subregulation (3), the debt shall be left out of account for the purposes for which these Regulations apply.

(6) In determining the net asset value of a dependent company which is an insurance company the value of its assets and the amount of its liabilities shall be determined in accordance with any valuation Regulations applicable for the purpose of section 77(1) of the Act, in the case of general insurance business and for the purpose of any investigation to which section 113 of the Act applies in the case of long-term insurance business.

(7) In determining for the purpose of this regulation the net asset value of a dependent company, which is not an insurance company, the value of the assets of the dependent company shall be determined in accordance with these Regulations as if they were assets of an insurance company.

Debts and other rights.

6. (1) The value of any debt due, or to become due, to an insurance company other than a debt to which subregulations (2), (3) or (4) of this regulation or regulations 8 and 13 apply shall be—

(*a*) in the case of any such debt which is due, or will become due within twelve months of the relevant date (including any debt which would become due within that period if the company were to exercise any right to which it is entitled to require payment of the same), the amount which can reasonably be expected to be recovered in respect of that debt (due account being taken of any security being held in respect thereof); and

(*b*) in the case of any other such debt, the amount which would reasonably be paid by way of consideration for an immediate assignment of the debt together with the benefit of any security held in respect thereof.

(2) The value of any debt due, or to become due, to the company which is secured on a policy of insurance issued by the company and which (together with any other debt secured on that policy) does not exceed the amount payable on a surrender of that policy at the relevant date shall be the amount of that debt.

(3) Any debt due, or to become due, to the company from an intermediary in respect of money advanced on account of commission to which that intermediary is not absolutely entitled at the relevant date shall be left out of account for the purposes for which these Regulations apply.

(4) The value of any salvage right of the company shall be the amount which can reasonably be expected to be recovered by virtue of the exercise of that right.

Land or real estate.

7. The value of any land of an insurance company (other than land held by the company as a security for a debt or to which regulation 9 applies) shall, where an amount representing such value has been put into the account for the first time or where a change is made reflecting an increase in the relevant amount stated or shown in a previous account, be not greater than the amount which, after deduction of the reasonable expenses of sale, would be realised if the land were sold at a price equal to the most recent proper valuation of that land which has been provided to the company and any such land of which there is no proper valuation shall be left out of account for the purposes of these Regulations.

Equipment.

8. The value of any computer equipment, office machinery, furniture and motor vehicles of an insurance company—

(*a*) in the financial year of the company in which it is purchased, shall be not greater than three-quarters of the cost thereof to the company;

(*b*) in the first financial year thereafter, shall be not greater than one-half of that cost;

(*c*) in the second financial year thereafter, shall be not greater than one-quarter of that cost; and

(*d*) in any subsequent financial year, shall be left out of account for the purposes for which these Regulations apply.

Quoted Investments.

9. The value of any quoted debenture which is not a debenture issued by a dependent of the insurance company, and of any quoted share which is not a share in such a dependent shall be the greater of the middle market price or the average of the middle market prices during the last three months before the day on which the investment falls to be valued.

Life interest, reversionary interests, etc.

10. The value of any asset consisting of an interest in property, which—

(*a*) is determinable upon death of any person or upon the happening of some other future event or at some future time or is a remainder reversionary interest right of fee subject to a life rent or other future interest, whether vested or contingent; and

(*b*) is not a lease or reversionary interest expectant upon the determination of a lease,

shall be the amount which would reasonably be paid by way of consideration for an immediate transfer or assignment thereof.

Unit Trust.

11. The value of any holding of units, or other beneficial interest, under a unit trust scheme shall be the published price at which the managers/management, as the case may be, under the unit trust scheme would purchase the holding of units or other beneficial interest if required to do so.

Contribution certificate.

12. The value of a contribution certificate issued to a contributing institution within the meaning of section 2 of the Unit Trust Corporation of Trinidad and Tobago Act, shall be—

Ch. 83:03.

(*a*) the amount which would reasonably be paid by way of consideration for an immediate transfer thereof; or

(*b*) the amount determined by regulations made under the Unit Trust Corporation of Trinidad and Tobago Act.

Unquoted shares.

13. The value of any unquoted share, which is neither an equity share nor a share in a dependent of the insurance company, shall be the amount which would reasonably be paid by way of consideration for an immediate transfer of that share.

Other assets.

14. The value of any securities issued or guaranteed by any government or public authority shall be—

(*a*) in the case of quoted securities, the middle market price;

(*b*) in the case of securities which are not transferable, the amount payable on a surrender or redemption of such securities at the relevant date; and

(*c*) in any other case the amount which would reasonably be paid by way of consideration for an immediate transfer or assignment thereof.

Assets to be taken into account only to a specified extent.

15. Insurance company assets of any of the descriptions specified in the schedule shall be taken into account only to the extent of the percentages as specified in the Schedule, of the total assets or net premium, as the case may be, of the insurance company.

SCHEDULE

(Regulation 14)

ASSETS TO BE TAKEN INTO ACCOUNT ONLY TO A SPECIFIED EXTENT

Description of Assets	*Percentage of total assets of the company*
1. Debts [other than quoted debentures, debts to which regulation 5(1), (2) or 6 apply] which are due or to become due to the insurance company within twelve months of the relevant date (including debts which would become due within that period if the	

company were to exercise any right to which it is entitled to require payment of the same) from—

(*a*) any one connected company (not being an approved financial institution); $2\frac{1}{2}$

(*b*) any one un-incorporated body of persons (not being an approved financial institution). 2

2. Quoted shares in any one connected company. 5

3. Unquoted shares in any one connected company. $2\frac{1}{2}$

4. Computer equipment (including software packages). 5

5. Office machinery (other than computer equipment) furniture, motor vehicles and other equipment. 5

	Percentage of general business or long-term business net premium income
6. Amounts recorded in the insurance company's books as due in respect of premium (other than premiums in respect of treaty reinsurance accepted) which either—	30

(*a*) have not been paid; or

(*b*) have been received by an intermediary on behalf of the company, but have not been paid to the company by the intermediary,

less any rebates, refunds and commission recorded in the company's books as allowable or payable in respect of any such amounts.

7. In this Schedule, a company is a connected company of an insurance company where it is—

(*a*) a subsidiary of the insurance company;

(*b*) the holding or parent company of the insurance company;

(*c*) a subsidiary of the holding company referred to at (*b*);

(*d*) a dependent of the insurance company; or

(*e*) where the insurance company is either—

(i) a dependent of the company;

(ii) a subsidiary of the company.

INSURANCE (AGENTS, BROKERS, SALESMEN AND ADJUSTERS) (REGISTRATION) REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.
2. Interpretation.
3. Application for registration.
4. Application for registration of insurance agent and broker.
5. Registration of partnerships and companies.
6. Application of Agents or Salesmen to be certified.
7. Application to renew certificates of registration.
8. Prescribed Form of certificates of registration.
9. Forms of notices.
10. Supervisor to maintain register.
11. Monthly accounts of Brokers.
12. Monthly record of Agents.
13. Annual Audited Accounts to be submitted to Supervisor.
14. Audit accounts of brokers and agents.
15. Appointment of examiner.
16. Minister may authorise.
17. Examinations.
18. Frequency of examinations.
19. Certification.
20. Exemptions from examinations.
21. Application for renewal of certificates.

FIRST SCHEDULE.

SECOND SCHEDULE.

THIRD SCHEDULE.

FOURTH SCHEDULE.

[Subsidiary]

121/1982.

INSURANCE (AGENTS, BROKERS, SALESMEN AND ADJUSTERS) (REGISTRATION) REGULATIONS

made under section 214(1)

Citation.

1. These Regulations may be cited as the Insurance (Agents, Brokers, Salesmen and Adjusters) (Registration) Regulations.

Interpretation.

2. In these Regulations—

"approved educational institution" means the institution or organisation appointed by the Minister to supervise and administer the examinations required in pursuance of Part III of the Act;

"Board" means the persons appointed by the Minister to supervise and administer the examinations required in pursuance of Part III of the Act;

"controller" has the same meaning as in the Act;

"Minister" means the Minister to whom responsibility for the subject of finance is assigned.

Applications for registration.

First Schedule.

Second Schedule.

3. Every application for registration under Part III of the Act shall be made in the appropriate form set out as Form 1, 2, 3, or 4 in the First Schedule and shall be accompanied by the receipt obtained from the Comptroller of Accounts upon payment of the prescribed fees, as set out in the Second Schedule.

Application for registration of insurance agent and broker.

4. (1) An application for registration as a broker or agent must be accompanied by—

(*a*) the audited balance sheet, profit and loss account and revenue account of the applicant for the financial year immediately preceding the date of application;

(*b*) where the applicant is a firm or a partnership, certified copies of the instrument constituting the firm or partnership as such, and a statement setting out the details of beneficial shareholding, in the case of a firm; or setting out full details in respect of

the name and business interests of all the partners, in the case of a partnership.

(2) Where an application is for registration as an agent, the applicant shall submit together with his application form certified copies of his agency agreement and power of attorney as well as any agreement relating to commissions and other remuneration payable to him in respect of his agency.

(3) Where an application is for registration as a broker and—

(*a*) the applicant is an individual, body corporate or a partnership, proof to the satisfaction of the Supervisor must be submitted that there is in force professional indemnity insurance cover of not less than five million dollars placed with an insurer approved by the Supervisor. The deductible to be applied in respect of any claim should not exceed fifteen thousand dollars;

(*b*) the applicant is a body corporate or a partnership, the Supervisor must be satisfied that in the case of a body corporate the paid up capital in cash is not less than one hundred thousand dollars and in the case of a partnership, the joint capital account of the partners at the date of application is not less than one hundred thousand dollars.

Registration of partnerships and companies.

5. (1) Where the business of broker, agent or adjuster is carried on by a partnership each member of the partnership shall be required to be registered.

(2) Where the business of broker, agent or adjuster is carried on by a partnership and the partnership is terminated before the expiration of the certificate of registration the partners shall forthwith give notice to the Supervisor who shall thereupon cancel the registration.

(3) Where a body corporate applies for registration the company shall specify the managers and or controllers of the company.

(4) The certificate of registration of a body corporate or a partnership shall specify the officer or officers or the

partners who may act thereunder in the name of the company or partnership.

(5) A certificate of registration may be cancelled or suspended as to the company or partnership or as to any of the officers or partners named or specified therein.

Application of Agents or Salesmen to be certified.

6. (1) Every application for registration of an agent shall be certified by the insurer on behalf of whom the agent will act.

(2) Every application for registration of a salesman shall be certified by the insurer by which or the agent by whom the salesman is employed or contracted at the time of his application.

Application to renew certificates of registration Fourth Schedule.

7. An application to renew a certificate of registration issued under section 92 of the Act shall be in the appropriate form set out in the Fourth Schedule as Form 1, 2, or 3. The application shall be accompanied by the receipt obtained from the Comptroller of Accounts upon payment of the prescribed fee and shall be made to the supervisor not later than thirty days before the anniversary date of issue of the certificate.

Prescribed Form of Certificates of Registration Third Schedule.

8. The certificates of registration required by section 92 of the Act and by these Regulations are in the forms set out as Forms 1, 2 and 3 in Part I of the Third Schedule.

Forms of Notices.

9. The notices required by section 99 of the Act are in the forms set out as Forms 1, 2 and 3 in Part II of the Third Schedule.

Supervisor to maintain register.

10. The Supervisor shall maintain registers of all agents, brokers, salesmen and adjusters to whom certificates of registration have been issued.

Monthly Accounts of Brokers.

11. Every registered broker shall keep, in relation to insurance placed with him relating to each class or classes of insurance business for which he is registered, monthly accounts showing all receipts and expenses relating to such insurance business, and such accounts shall be completed not later than twenty-one days after the end of the month in respect of which they are prepared.

Monthly records of Agents.

12. All registered agents shall keep, as respects policies issued or renewed by them, such monthly records as will enable the amount due to them by their principals or due by them to their principals to be determined, and such records shall be completed not later than twenty-one days after the end of the month in respect of which they are prepared.

Annual Audited Accounts to be submitted to Supervisor.

13. Within six months of the close of each financial year of a broker, or agent, he shall submit to the Supervisor three copies of the audited accounts, balance sheet and profit and loss account of the brokerage business or agency as the case may be, for that financial year.

Audit of accounts of brokers and agents.

14. (1) The accounts required under regulation 13 shall be audited by an auditor within the meaning of section 59(1)(*a*) of the Act.

(2) The auditor making the audit shall state in a certificate to the accounts whether or not—

(*a*) the books of accounts have been properly kept;

(*b*) the balance sheet and profit and loss account present fairly the state of the broker's or agent's affairs at the end of the financial period to which they relate;

(*c*) the agent or broker, as the case may be, has satisfied the requirements of regulations 11 and 12 and has presently paid over all moneys received for an insurer or an insured as the case may be, during the period to which the accounts relate.

Appointment of Examiner.

15. (1) The Minister shall appoint either a Board or an educational institution to supervise and administer the examinations referred to in Part III of the Act.

(2) The Board shall consist of not less than five or more than ten members, one of whom shall be the Supervisor or his nominee. The other members shall include persons nominated by insurance associations or organisations recognised as such by the Minister.

(3) Members of the Board shall be appointed for a period of two years and shall be eligible for reappointment.

(4) The approved educational institution shall be appointed for a period of three years in the first instance and shall be eligible for reappointment for further periods of not less than twelve months duration.

Minister may authorise.

16. The Minister may authorise the amount of remuneration to be paid to the Board or the approved educational institution as the case may be, for the supervision and administration of examinations.

Examinations.

17. The Board or approved educational institution shall in consultation with the Supervisor—

(*a*) determine the scope and form of examinations necessary to qualify a person to act as or carry on business as an agent, a broker, a salesman or an adjuster; provided however that no examination shall be wholly oral; and

(*b*) prescribe the fee payable by a candidate for such examinations.

Frequency of examinations.

18. (1) Examinations shall be held at least once each year.

(2) A candidate for examination may apply to the Supervisor for an examination to be held in respect of any class of insurance business and an examination shall be so held subject to subregulation (3) where at least fifteen candidates have applied and paid the prescribed examination fee.

(3) An examination in respect of a particular class of insurance business shall not be held more than once in three months.

Certification.

19. (1) Where the examiner is an approved educational institution, there shall be issued to every person who passes the required examination, a certificate to that effect signed by the head of the institution.

(2) Where the examiner is a panel of persons there shall be issued to every person who passes the required examination a certificate to that effect signed by the Supervisor.

Exemption from examinations.

20. A person who satisfies the Supervisor that he has carried on business as an agent, broker, salesman or adjuster in a particular class of insurance business in an efficient manner for a period of at least three years immediately preceding the commencement of Part III of the Act may be exempted from the examinations referred to in these Regulations.

Application for renewal of certificates Fourth Schedule.

21. An application for renewal of a certificate shall be made on the appropriate form as set out in the Fourth Schedule.

FIRST SCHEDULE

(Regulation 3)

(*Application for Registration as Agents, Brokers, Salesmen, Adjusters*)

FORM I

No. .....

Date Received .....

THE INSURANCE (AGENTS, BROKERS, SALESMEN AND ADJUSTERS) (REGISTRATION) REGULATIONS.

Application for Registration as Agent

TO: THE SUPERVISOR OF INSURANCE

I hereby apply on my own behalf */on behalf of the firm */company named below for registration to carry on the business of insurance agent in respect of the class/classes of insurance business stated in section B or F herein.

I enclose official receipt No.....dated..... as evidence of payment of the registration fee.

The documents listed in direction No. 8 on page 2 are attached.

Signature of Applicant .....

Date..... Title .....

2. Name of firm */company.....

3. Principal address in Trinidad and Tobago.....

Telephone No. .....

*Delete whichever is not applicable.

DIRECTIONS

1. Where the information required cannot be accommodated on the form of application it should be supplied as an appendix on separate sheets of paper using the same numbering and sub-lettering contained in the application.

2. A separate sheet should be used for each person about whom information is to be supplied under section G item 28.

3. The certificate in section B item 7(*c*) must be signed by the Chief Executive of the insurance company.

4. The certificate at the end of the application must be signed by two directors of the company and by the Manager or Secretary or by the partners in the case of a partnership.

5. "Class/classes of Insurance business" means the classes of insurance business listed in the First Schedule to the Insurance Act.

6. "Controller" has the same meaning as in the Insurance Act.

7. "Officer or officers" in section H item 29 refers to the officer or officers to be specified in the certificate of registration who may act thereunder in the name of the company.

8. This application must be accompanied by—
   (*a*) The receipt obtained from the Comptroller of Accounts on payment of the registration fee.
   (*b*) Certified copies of the agency agreement and Power of Attorney and any agreement pertaining to commissions and other remuneration payable.
   (*c*) The audited accounts and statements required by the Insurance (Agents, Brokers, Salesmen and Adjusters) (Registration) Regulations.
   (*d*) Certified copies of the instrument constituting the firm/company and the statement of shareholding or of the business interests of the partners required by the Regulations mentioned in (*c*) above.
   (*e*) The latest agency returns made to the insurance company/companies.

9. A separate application must be made in respect of each company for which the applicant wishes to be registered as Agent—*See* sections 89(3) and 108(3) of the Insurance Act.

10. If the applicant intends to limit the conduct of his business to the insurance of only some of the risks of the class or classes of insurance business this should be indicated.

PARTICULARS OF APPLICATION

PART I

(Applicable to an Individual)

A—PERSONAL PARTICULARS OF APPLICANT

1. Full name in block letters Mr./Mrs./Miss.....

2. Address .....

3. Date of Birth ..... 4. Nationality .....

5. (1) Present Occupation .....

   (2) Employer .....

B—PARTICULARS OF REGISTRATION

6. Indicate by a tick in the appropriate box the class/classes of insurance business in respect of which this application for registration is made.

Classes of Insurance Business

(i) Ordinary Long-term	☐	(ii) Industrial Life	☐
(iii) Liability ...	☐	(iv) Marine, Aviation and Transport	☐
(v) Motor Vehicle	☐	(vi) Pecuniary Loss	☐
(vii) Personal Accident	☐	(viii) Property ...	☐

7. (*a*) Name of the Insurance Company for which the applicant is to be registered as agent.

   (*b*) Address of the Insurance Company.

   (*c*) Endorsement of the Insurance Company.

   I certify that the applicant has been appointed agent of the above-named insurance company which has been registered under the Insurance Act, Ch. 84:01 to carry on the class/classes of insurance business stated above.

   Signature .....

   Date..... Title.....

   (Affix official stamp of the company)

8. Other class/classes of Insurance business in respect of which you are currently registered and the company for which you are registered as agent.

9. Details of any previous registration which was cancelled including the reason for cancellation.

10. State whether you are now registered or have applied for registration as a broker.

C—Qualifications and Experience

11. (*a*) Year in which insurance agent examination was passed.....

(*b*) Examining body .....

(*c*) Any other qualification in insurance.....
(*forward copies of certificates*)

12. Furnish on a separate sheet full details of your experience as an insurance agent indicating:

(*a*) The insurance companies on behalf of which you acted with dates and the class/classes of insurance business transacted.

(*b*) Any experience in insurance business other than agent with dates.

D—General Information

13. Are you a member, director or controller of a company carrying on insurance brokerage business? If so, give details.

14. Are you an undischarged bankrupt? If so have you leave to carry on the business of insurance agent by the court by which you were adjudged bankrupt?

15. Will you act full time or part time as an agent?

16. Are you a member of an association of insurance agents or other insurance association? If so, give the name and address of the association.

17. Submit the latest agency returns made to the insurance company/companies.

I certify that to the best of my knowledge and belief all the information given in this application is true and correct.

Date..... .....
Signature of Applicant

Part II

(*Applicable to a firm/company*)

E—Particulars of the Firm/Company

18. The name of the person resident in Trinidad and Tobago appointed as principal representative.

19. Date and place of incorporation or formation.

20. Summary of main objects.

21. The amount of—
    (i) Authorised capital.
    (ii) Paid-up capital.

F—Particulars of Business

Indicate by a tick in the appropriate box the:

22. Class/classes of insurance business in respect of which this application is made.

Classes of Insurance Business

(i) Ordinary Long-term	☐	(ii) Industrial Life	☐
(iii) Liability ...	☐	(iv) Marine Aviation and Transport	☐
(v) Motor Vehicle	☐	(vi) Pecuniary Loss	☐
(vii) Personal Accident	☐	(viii) Property ...	☐

23. (*a*) The name of the insurance company for which the applicant is to be registered as agent.
    (*b*) The address of the insurance company.
    (*c*) Endorsement of the insurance company.

I certify that the applicant has been appointed agent of the above-named insurance company which is registered under the Insurance Act, Chap. 84:01 to carry on the class/classes of insurance business stated above.

Signature .....

Date..... Title.....

(*Affix official stamp of the company*)

24. Other class/classes of insurance business and the insurance company in respect of which the firm/company is now registered.

25. Details of any previous registration which was cancelled including the reason for cancellation.

26. State whether the firm/company is registered or has applied for registration as broker.

27. Date on which financial year ends.

G—Personal Particulars of Directors, Controllers, and Partners

28. In respect of each of the following, give the particulars required by (*a*) to (*j*) below:
    (i) Directors
    (ii) Controllers
    (iii) Managers
    (iv) Partners

(*a*) Full name
(*b*) Address
(*c*) Nationality
(*d*) Date of Birth
(*e*) Place of Birth
(*f*) Position (Director, Controller, Partner, etc.)
(*g*) Whether the person is an undischarged bankrupt and if so whether he has leave to carry on the business of insurance agent by the court by which he was adjudged bankrupt.
(*h*) Details of shares held in any insurance brokerage business.
(*i*) Details of training and experience in insurance.
(*j*) Whether each partner of the firm is registered or has applied for registration as agent.

H—General Information

29. The officer or officers to be specified in the certificate of registration of the Company (*See* Direction No. 7).

30. Is the firm/company a member or controller of a company carrying on insurance brokerage business? If so, give details.

31. Is the firm/company a member of an association of insurance agents or other insurance association? If so, give the name and address of the association.

32. Submit the latest agency returns made to the insurance company/companies.

We certify that to the best of our knowledge and belief all the information given in this application is true and correct.

Indicate official designation (*See* Direction No. 4)

Signature .....
Title .....
Signature .....
Title .....
Signature .....
Title .....
Date .....

FORM 2

No. .....

Date Received .....

THE INSURANCE (AGENTS, BROKERS, SALESMEN AND ADJUSTERS) (REGISTRATION) REGULATIONS.

Application for Registration as Broker

TO: THE SUPERVISOR OF INSURANCE

I hereby apply on my own behalf*/on behalf of the firm*/company named below for registration to carry on the business of insurance broker in respect of the class/classes of insurance business stated in section B* or G herein.

I enclose official receipt No. .....dated..... as evidence of payment of the registration fee.

The documents listed in direction No. 7 on page 2 are attached.

Signature of Applicant .....

Title .....

Date .....

2. Name of firm*/company.....

3. Principal address in Trinidad and Tobago.....

.....

Telephone No. .....

*Delete whichever is not applicable.

DIRECTIONS

1. Where the information required cannot be accommodated on the form of application it should be supplied as an appendix on separate sheets of paper using the same numbering and sub-lettering contained in the application.

2. A separate sheet should be used for each person about whom information is to be supplied under section H item 27.

3. The Certificate at the end of the application must be signed by two Directors of the company and by the Manager or Secretary or by the partners in the case of a partnership.

4. The term "Class/classes of Insurance business" means the classes of Insurance business listed in the First Schedule to the Insurance Act, Chap. 84:01.

5. "Controller" has the same meaning as in the Insurance Act, Chap. 84:01.

6. "Officer or Officers" in section H item 29 refers to the officer or officers to be specified in the Certificate of Registration who may act thereunder in the name of the company.

7. This application must be accompanied by—

(*a*) The receipt obtained from the Comptroller of Accounts on payment of the registration fee.

(*b*) Proof of professional Indemnity insurance cover in force of not less than five million dollars ($5,000,000) T.T.

(*c*) The audited accounts required by the Insurance (Agents, Brokers, Salesmen and Adjusters) (Registration) Regulations.

(*d*) Certified copies of the instrument constituting the firm/company and the statement of shareholding or of the business interests of the partners required by the Regulations mentioned in (*c*).

PARTICULARS OF APPLICATION

PART I

(*Applicable to an individual*)

A—PERSONAL PARTICULARS OF APPLICANT

1. Full name in block letters Mr./Mrs./Miss.....

2. Address .....

3. Date of Birth..... 4. Nationality .....

5. (1) Present Occupation.....

(2) Employer.....

B—PARTICULARS OF REGISTRATION

Indicate by a tick in the appropriate box the:

6. Class/classes of insurance business in respect of which this application for registration is made.

Class of Insurance Business

(i) Ordinary Long-term	☐	(ii) Industrial Life	☐
(iii) Liability ...	☐	(iv) Marine, Aviation and Transport	☐

(v) Motor Vehicle ☐ (vi) Pecuniary Loss ☐

(vii) Personal Accident ☐ (viii) Property ... ☐

7. Other class/classes of insurance business in respect of which you are now currently registered as a broker.

8. State whether you are now registered or have applied for registration as a salesman or agent.

9. Details of any previous registration which was cancelled including the reason for cancellation.

C—Qualification and Experience

10. Give full details of your qualifications.
(*forward copies of certificates*).

11. Furnish on a separate sheet—

(*a*) Full details of your experience as an insurance broker indicating the firm/company in which you were employed with dates of employment and class/classes of insurance business transacted certified by the Chief Executive of the firm/company.

(*b*) Any experience in insurance business other than broker with dates.

D—General Information

12. Are you a director, officer or employee of an insurance company? Give details.

13. Do you hold shares in an insurance company or in any company which is an agent of an insurance company? Give details.

14. Have you entered into any agreement with any other person carrying on insurance business relating to the preferential offer of insurance business? Give details and attach a copy of each such agreement.

15. Are you an undischarged bankrupt? If so, have you leave to carry on the business of insurance broker by the court by which you were adjudged bankrupt?

16. Are you a member of a brokers' association or other professional body? If so, state the name and address of the body.

E—Details of Professional Indemnity Insurance

(*a*) Underwriter.....

(*b*) Policy No. ..... (*c*) Renewal date .....

(*d*) Limit of Indemnity..... (*e*) Excess .....
(*Attach copy of policy*)

I certify that to the best of my knowledge and belief all the information given in this application is true and correct.

Signature of
Applicant .....

Date .....

PART II

(Applicable to a Firm or Company)

F—PARTICULARS OF THE FIRM/COMPANY

17. The name of the person resident in Trinidad and Tobago appointed as principal representative.

18. Date and place of incorporation or formation.

19. Summary of main objects.

20. The amount of—

(i) Authorised Capital

(ii) Paid-up Capital

G—PARTICULARS OF BUSINESS

Indicate by a tick in the appropriate box the—

21. Class/classes of Insurance business in respect of which this application for registration is made.

Classes of Insurance Business

(i) Ordinary Long-term	☐	(ii) Industrial Life	☐
(iii) Liability ...	☐	(iv) Marine, Aviation and Transport	☐
(v) Motor Vehicle	☐	(vi) Pecuniary Loss	☐
(vii) Personal Accident	☐	(viii) Property ...	☐

22. Other class/classes of insurance business in respect of which the firm/company is now registered.

23. Is the firm/company registered or has it applied for registration as an agent?

24. Details of any previous registration which was cancelled including reason for cancellation.

25. Details of any agreement with any other person carrying on Insurance business relating to the preferential offer of Insurance business into which the firm/company has entered.

Forward a copy of each such agreement.

26. Date on which financial year ends .....

H—Personal Particulars of Directors, Controllers and Partners

27. In respect of each of the following give the particulars required by (*a*) to (*j*) below:

(i) Directors

(ii) Controllers

(iii) Managers and other senior officials authorised to transact Insurance business in the name of the company/firm.

(iv) Partners

(*a*) Full name .....

(*b*) Address .....

(*c*) Nationality .....

(*d*) Date of birth .....

(*e*) Place of birth .....

(*f*) Position (Director, Controller, Partner, etc.).....

(*g*) Whether the person is an undischarged bankrupt and if so whether he has leave to carry on the business of Insurance broker by the court by which he was adjudged bankrupt.

(*h*) Details of shares held in any insurance company or a company which is an agent of an insurance company.

(*i*) Details of training and experience.

(*j*) Whether each partner is registered as an insurance broker or has applied for such registration.

28. The name of the executive director who will manage the company and whether he is a registered broker or has applied for such registration.

29. The officer or officers to be specified in the Certificate of Registration of the company (*See* Direction No. 6).

I—Details of Professional Indemnity Insurance

(*a*) Underwriter.....

(*b*) Policy No. ..... (*c*) Renewal date .....

(*d*) Limit of Indemnity ..... (*e*) Excess .....

We certify that to the best of our knowledge and belief all the information given in this application is true and correct.

Indicate official designation (*See* Direction No. 3)

Signature .....
Title .....
Signature .....
Title .....
Signature .....
Title .....
Date .....

FORM 3

No. .....

Date Received .....

THE INSURANCE (AGENTS, BROKERS, SALESMEN AND ADJUSTERS) (REGISTRATION) REGULATIONS

Application for Registration as Salesman

To: THE SUPERVISOR OF INSURANCE

I hereby apply to be registered as an Insurance Salesman in respect of the class/classes of Insurance business stated in section B(6) herein.

I enclose official receipt No.....

dated.....as evidence of payment of the registration fee

Signature of applicant.....

Date.....

DIRECTIONS

1. Where the information required cannot be accommodated on the form it should be supplied as an appendix on separate sheets of paper using the same numbering and sub-lettering contained in the application.
2. The term "class/classes of Insurance business" means the classes of Insurance business listed in the First Schedule to the Insurance Act.
3. (*a*) The certificate in section B item 7(*c*) must be signed by the Chief Executive of the Company or by the Agent.
   (*b*) Affix the official stamp of the Company or Agent.
4. The details required in section C item 9 must be certified true and correct by the Chief Executive of the Company or the Agent.

5. This application must be accompanied by

   (*a*) The receipt obtained from the Comptroller of Accounts on payment of the registration fee.

   (*b*) A copy of the Insurance Salesman Examination Certificate if available at the time of application.

6. The following persons are not qualified to be registered as an Insurance Salesman:

   (*a*) A person under the age of eighteen years.

   (*b*) An undischarged bankrupt, unless he has been granted leave to carry on the business of Insurance Salesman by the court by which he was adjudged bankrupt.

   (*c*) A person who is mentally ill.

7. "Controller" has the same meaning as defined in the Insurance Act.

PARTICULARS OF APPLICATION

A—PERSONAL PARTICULARS OF APPLICANT

1. Full name in Block Letters Mr./Mrs./Miss.....

2. Address.....

3. Date of Birth.....4. Nationality.....

5. (*a*) Present Occupation:

   (*b*) Employed/Contracted by:

B—PARTICULARS OF REGISTRATION

6. Indicate by a tick in the appropriate box the class/classes of Insurance business in respect of which this application for registration is made.

Classes of Insurance business

(i) Ordinary Long-term	☐	(ii) Industrial Life ...	☐
(iii) Liability ...	☐	(iv) Marine, Aviation and Transport ...	☐
(v) Motor Vehicle	☐	(vi) Pecuniary Loss	☐
(vii) Personal Accident	☐	(viii) Property ...	☐

7. (*a*) Name of Insurance Company contracted to, or Agent employed by, at the time of application.

   (*b*) Address of Insurance Company or Agent.

   (*c*) Endorsement of Insurance Company or Agent.

I certify that the information at (A) and (B) above is true and correct.

Date .....Signature.....

Title .....

(*Affix official stamp of company or agent*)

(*d*) Details of any previous registration which was cancelled including the reason for cancellation.

(*e*) Other class/classes of Insurance business in respect of which you are now registered as a Salesman:

C—QUALIFICATION AND EXPERIENCE

(*a*) Year in which Insurance Salesman Examination was passed

.....

(*b*) Examining body .....

(*c*) Other qualifications (forward copies of certificates).

8. Furnish on a separate sheet full details of your experience as an Insurance Salesman indicating—

(*a*) Company or Agent contracted to or employed by.

(*b*) The period attached to the Company or Agent.

(*c*) The class or classes of Insurance business transacted.

N.B. Details must be certified by the Chief Executive of the company or by the Agent.

D—GENERAL INFORMATION

9. Give the names of your employers and the position held during the last five years.

10. Are you now registered or have you applied for registration as a broker?

11. Are you a member, director or controller of a company carrying on brokerage business? If so, give details.

12. Details of shares held in any Insurance brokerage business.

13. Are you an undischarged bankrupt? If so, have you leave to carry on the business of Insurance Salesman by the court by which you were adjudged bankrupt?

14. Are you a member of an association of Insurance Salesmen? If so, give the name and address of the association.

I certify that to the best of my knowledge and belief all of the information given in this application is true and correct.

Signature
of Applicant.....

Date .....

FORM 4

No. .....

Date Received .....

THE INSURANCE (AGENTS, BROKERS, SALESMEN AND ADJUSTERS) (REGISTRATION) REGULATIONS

Application for Registration as Adjuster

TO: THE SUPERVISOR OF INSURANCE

I hereby apply on my own behalf*/on behalf of the firm*/company named below for registration to carry on the business of Insurance adjuster in respect of the class/classes of Insurance business stated in section B or E* herein.

I enclose official receipt No. .....dated..... as evidence of payment of the registration fee.

Signature .....

Title .....

Date .....

2. Name of Firm/Company.....

3. Principal Address in Trinidad and Tobago.....

.....

Telephone No. .....

*Delete whichever is not applicable.

DIRECTIONS

1. Where the information required cannot be accommodated on the form of application it should be supplied as an appendix on separate sheets of paper using the same numbering and sub-lettering contained in the application.

2. A separate sheet should be used for each person about whom information is to be supplied under item 18 of section F.

3. The Certificate at the end of the application must be signed by two Directors of the Company and by the Manager or Secretary or by partners in the case of a partnership.

4. "Class/classes of Insurance business" means the classes of Insurance business listed in the First Schedule to the Insurance Act.

5. "Controller" has the same meaning as defined in the Insurance Act.

6. "Officer or officers" in section G19 refers to the officer or officers to be specified in the Certificate of registration who may act thereunder in the name of the company.

PARTICULARS OF APPLICATION

PART I

(Applicable to an Individual)

A—PERSONAL PARTICULARS OF APPLICANT

1. Full name in block letters Mr./Mrs./Miss.....

2. Address .....

3. Date of Birth..... 4. Nationality .....

5. (1) Present Occupation.....

(2) Employer.....

B—PARTICULARS OF REGISTRATION

6. Indicate by a tick in the appropriate box—the class/classes of Insurance business in respect of which this application for registration is made.

(i) Liability	☐	(ii) Marine, Aviation and Transport	☐
(iii) Motor Vehicle	☐	(iv) Pecuniary Loss	☐
(v) Personal Accident	☐	(vi) Property ...	☐

7. Other class/classes of Insurance business in respect of which you are now registered.

8. Details of any previous registration which was cancelled including the reason for cancellation.

C—QUALIFICATION AND EXPERIENCE

9. List all of your qualifications and forward copies of your Certificates.

10. Furnish on a separate sheet full details of your experience as an insurance adjuster giving dates and the names of the firm/company with which you were employed.

I certify that to the best of my knowledge and belief all the information given in this application is true and correct.

Signature
of Applicant .....

Date .....

PART II

(*Applicable to a Firm/Company*)

D—PARTICULARS OF THE FIRM/COMPANY

11. The name of the person resident in Trinidad and Tobago appointed as principal representative.

12. Date and place of incorporation or formation.

13. Summary of main objects.

14. The amount of—

(i) Authorised capital.

(ii) Paid-up capital.

E—PARTICULARS OF BUSINESS

15. Indicate by a tick in the appropriate box the class/classes of Insurance business in respect of which this application is made.

(i) Liability	☐	(ii) Marine, Aviation and Transport	☐
(iii) Motor Vehicle	☐	(iv) Pecuniary Loss	☐
(v) Personal Accident	☐	(vi) Property	☐

16. Other class/classes of Insurance business in respect of which the firm/company is now registered.

17. Details of any previous registration which was cancelled including the reason for cancellation.

F—PERSONAL PARTICULARS OF DIRECTORS, CONTROLLERS, SENIOR OFFICIALS AND PARTNERS

18. In respect of each of the following give the particulars required by (*a*) to (*g*) below:

(i) Directors.

(ii) Controllers.

(iii) Managers and other Senior officials authorised to act in the name of the firm/company.

(iv) Partners.

(*a*) Full name.

(*b*) Address.

(*c*) Nationality.

(*d*) Date of birth.

(*e*) Place of birth.

(*f*) Details of training and experience (Forward copies of certificates).

(*g*) Whether each partner of the firm is registered or has applied for registration as adjuster.

G—GENERAL INFORMATION

19. The officer or officers to be specified in the certificate of registration of the company. (*See* Direction No.)

We certify that to the best of our knowledge and belief all the information given in this application is true and correct.

Indicate official designation (See Direction No. 3)

Signature .....
Title .....
Signature .....
Title .....
Signature .....
Title .....
Date .....

SECOND SCHEDULE

REGISTRATION FEES

1. *Salesmen*	$100.00 annually for long-term Insurance business $100.00 for general Insurance business
2. *Agents*	
(*a*) Individuals	$500.00 annually
(*b*) Partnerships or Corporate bodies	$1,000.00 annually
3. *Brokers*	
(*a*) Individuals	$2,500.00 annually
(*b*) Corporate bodies or partnerships	$2,500.00 annually
4. *Adjusters*	
(*a*) Individuals	$2,500.00 annually
(*b*) Corporate bodies or partnerships	$2,500.00 annually

THIRD SCHEDULE

(Regulation 8)

PART I

(Certificates of Registration of Agents, Brokers, Salesmen and Adjusters)

FORM 1

No. .....

THE INSURANCE (AGENTS, BROKERS, SALESMEN AND ADJUSTERS) (REGISTRATION) REGULATIONS

Certificate of Registration as Agent

I HEREBY CERTIFY THAT

.....

is registered as an Agent for

.....

in respect of the following classes of Insurance business:

The officers/partners who may act hereunder in the name of the company/firm are:

....

Date *Supervisor of Insurance*

N.B. This Certificate is valid for one year from the date of issue and shall be renewable annually on the anniversary date of issue.

FORM 2

No. .....

THE INSURANCE (AGENTS, BROKERS, SALESMEN AND ADJUSTERS) (REGISTRATION) REGULATIONS

Certificate of Registration as Broker or Adjuster

I HEREBY CERTIFY THAT

.....

is registered as

.....

in respect of the following classes of insurance business:

The officers/partners who may act hereunder in the name of the company/firm are:

....

Date *Supervisor of Insurance*

N.B. This certificate is valid for one year from the date of issue and shall be renewable annually on the anniversary date of issue.

FORM 3

No. .....

THE INSURANCE (AGENTS, BROKERS, SALESMEN AND ADJUSTERS) (REGISTRATION) REGULATIONS

Certificate of Registration as Salesman

I HEREBY CERTIFY THAT

Mr./Mrs./Miss .....

of .....

is registered as a SALESMAN for

.....

in respect of the following classes of insurance business:

....

Date *Supervisor of Insurance*

N.B. This certificate is valid for one year from the date of issue and shall be renewable annually on the anniversary date of issue.

PART II (Regulation 9)

(*Notices of Termination*)

FORM I

THE INSURANCE (AGENTS, BROKERS, SALESMEN AND ADJUSTERS) (REGISTRATION) REGULATIONS

Notice of Termination of Agency

To: THE SUPERVISOR OF INSURANCE

Please note that the agency agreement between:

.....

Name of Company

and

.....

Name of Agent

has been terminated as of.....

Date

for the following reasons:

.....

.....

.....

.....

Signature .....

Title .....

(*Chief Executive of the Company or Agent*)

Date .....

FORM 2

THE INSURANCE (AGENTS, BROKERS, SALESMEN AND ADJUSTERS) (REGISTRATION) REGULATIONS

Notice of Termination of Salesman Contract

To: THE SUPERVISOR OF INSURANCE

Please note that the contract between:

.....

Name of Company

and

Mr. /Mrs./Miss .....

Salesman

has been terminated as of .....

Date

for the following reasons:

.....

.....

.....

.....

Signature.....

Title .....

(*Chief Executive of the Company or Salesman*)

Date .....

FORM 3

THE INSURANCE (AGENTS, BROKERS, SALESMEN AND ADJUSTERS) (REGISTRATION) REGULATIONS

Notice of Insurance Salesman Contract

To: THE SUPERVISOR OF INSURANCE

Please note that with effect from .....
Date

Mr./Mrs./Miss .....
Full Name

of .....
Address

has entered into a contract with:

.....
Name of Company

to carry on the business of SALESMAN in respect of the following classes of insurance business:

1. ..... 2. .....

3. ..... 4. .....

5. ..... 6. .....

7. ..... 8. .....

Signature .....

Date ..... Title .....

(*Please affix the official stamp of the Company*)

SECOND SCHEDULE

(Regulations 7 and 21)

(*Application for Renewal of Certificate of Registration as Agents, Brokers, Salesmen and Adjusters*)

FORM 1

THE INSURANCE (AGENTS, BROKERS, SALESMEN AND ADJUSTERS) (REGISTRATION) REGULATIONS

Application for Renewal of Certificate of Registration as Agent

TO: THE SUPERVISOR OF INSURANCE

I hereby apply for the renewal of Insurance Agent Certificate of

Registration No.: ..... Issued on: .....

I enclose official receipt No.: ..... Dated: ..... as evidence of payment of the prescribed fee.

Signature of Applicant .....

Position in Firm/Company .....

Date .....

PARTICULARS

1. Full Name of Applicant:

.....

Individual/Firm/Company

2. Address:

.....

3. Name of Insurance Company for which the applicant is registered as Agent: .....

4. Address: .....

5. Endorsement of Insurance Company:

I certify that the information in item 3 above is true and correct.

*Signature .....

Title .....

(*Affix Official Stamp*)

6. Name of officers who will act in the name of and on behalf of the applicant company.

I certify that to the best of my knowledge and belief all of the information given in this application is true and correct.

Signature .....

Position in
Firm/Company .....

*To be signed by the Chief Executive of the Company.

FORM 2

THE INSURANCE (AGENTS, BROKERS, SALESMEN AND ADJUSTERS) (REGISTRATION) REGULATIONS

Application for Renewal of Certificate of Registration as Salesman

To: THE SUPERVISOR OF INSURANCE

I hereby apply for the renewal of Insurance Salesman Certificate of

Registration No.: ..... Issued on: .....

I enclose official receipt No.: .....

dated: .....as evidence of payment of the prescribed fee.

Signature of
Applicant .....

Date .....

PARTICULARS:

1. Full name of applicant Mr./Mrs./Miss: .....

2. Address: .....

3. Name of Insurance Company or the Agent for which/with whom the applicant is registered as Salesman.

.....

4. Address .....

5. Endorsement of the Insurance Company or Agent:

I certify that the information in item 3 above is true and correct.

*Signature .....

Title .....

(*Affix Official Stamp*)

I certify that to the best of my knowledge and belief all of the information given in this application is true and correct.

Signature of
Applicant .....

Date .....

*To be signed by the Chief Executive of the Company or the Agent.

FORM 3

THE INSURANCE (AGENTS, BROKERS, SALESMEN AND ADJUSTERS) (REGISTRATION) REGULATIONS

Application for Renewal of Certificate of Registration as Broker or Adjuster

To: THE SUPERVISOR OF INSURANCE

I hereby apply for the renewal of Insurance Broker*/Adjuster Certificate of Registration No..... Issued on: .....

I enclose official receipt No.: ..... Dated..... as evidence of payment of the prescribed fee.

Signature of
Applicant .....

Position in
Firm/Company .....

Date .....

PARTICULARS:

1. Full Name of Applicant:

.....
(*Individual/Firm/Company*)

2. Address:

.....

3. If a Broker, give details of professional Indemnity Insurance as follows:

(*a*) Underwriter.....

(*b*) Policy No..... (*c*) Renewal date.....

(*d*) Limit of Indemnity..... (*e*) Excess .....

(*Written evidence that the Insurance is in force must be submitted*)

4. Name of the officers who will act in the name of and on behalf of the applicant company:

I certify that to the best of my knowledge and belief all of the information given in this application is true and correct.

Signature .....

Position in
Firm/Company .....

Date .....

(*Affix Official Stamp*)

*Delete whichever is not applicable.

[Subsidiary]

70/1983

INSURANCE (APPROVED SECURITIES) REGULATIONS

made under section 214

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.

2. Approved Securities.

Citation.

1. These Regulations may be cited as the Insurance (Approved Securities) Regulations.

Approved securities.

2. Approved securities for the purposes of appropriate deposits in respect of different classes of insurance business required by section 29 of the Insurance Act, shall be the securities specified hereunder—

(*a*) securities of, or guaranteed by the Government of Trinidad and Tobago payable in Trinidad and Tobago dollars;

(*b*) securities of the Government of Trinidad and Tobago payable in a currency other than Trinidad and Tobago dollars, up to a limit of thirty per cent;

(*c*) securities of the Government of any Commonwealth Country other than Trinidad and Tobago up to a limit of ten per cent;

(*d*) securities of the Government of the United States of America or any other country approved by the Minister, up to a limit of ten per cent.