



January 2009

InSure

This month's roundup of developments affecting the insurance industry sees CEIOPS publishing a new report on the financial stability of the insurance market, the FSA proposing new rules for approved persons and inviting views on lack of transparency and conflicts of interest, ...

In this issue:

General News

- IAIS Market Report 2008
- CEIOPS Publishes Risk Update
- Lloyd's Presents Its Strategic Plan For The Next Three Years
- FSA Response To Practitioner Panel Survey
- CEA Calls For Constructive EU Discussions On Solvency II
- Equitable Life Regulatory Failure "An Outrage" Say MEPs And UKIFSB And IAIS Sign Working Agreement
- IFSB And IAIS Sign Working Agreement
- Egg Fined £721,000 For Serious Failings In Its Sales Of Credit Card Payment Protection Insurance
- Businessman Fined £35,000 For Lying About FSA Authorisation

New Legislation & Consultations

- FSA Proposes Changes To The Rules For Approved Persons
- FSA Consultation Paper On Stress Testing
- FSA Handbook Notice 54
- Counter-Terrorism Act 2008
- UK Country Report On QIS4
- Launch Of Public Consultation On Alternative Dispute Resolution
- FSA Publishes Policy Statement In Relation To DEPP, RCB And EG

Regulatory Developments

- FSA Invites Industry To Address Lack Of Transparency And Conflicts Of Interest In The Insurance Market
- FSA Publishes Factsheet On Advice Process
- Charlie McCreevy Proposes Actions To Face The Current Crisis

- New FSA Webpage On Data Security And Consumer Communications
- House Of Commons Committee Supports The Ombudsman's Findings On Equitably Life
- CC Paper On The Implication Of Proposed PPI Remedies On Intermediaries
- European Union Agrees On General Approaches On Financial Services

General Legal Issues

- ABI Publishes Guidance On Articles Of Association
- New Guidelines For The Prudential Assessment Of Acquisitions And Increases In Financial Holdings

Case Summaries

- High Court Waives Certain Publicity Requirements For Runoff Reinsurer

General News

IAIS Market Report 2008

On 17 December 2008 the International Association of Insurance Supervisors (**IAIS**) published its Global Reinsurance Market Report 2008.

The report assesses the reinsurance market's stability and linkages of the reinsurance sector as well as the impact of the current turmoil on the reinsurance sector. It is based on data submitted by the world's largest reinsurers.

This year's report includes coverage of potential vulnerabilities from a systemic perspective.

Following record losses in 2005 and despite some major catastrophes due to winter storms and hurricanes, both 2006 and 2007 were profitable years for reinsurers. In fact, 2007 was an especially profitable year for reinsurers, with some reporting the best results over the past five years. As a result, the reinsurance industry has a solid financial base to face the challenges of the continuing financial crisis. However, as the impact of the financial crisis grows in scope, reinsurers may be faced with difficult market and credit conditions.



ADDLESHAW GODDARD

Please click [here](#) for a copy of the report. (Source: *IAIS press release, 17 December 2008*) - [Back](#)

CEIOPS Publishes Risk Update

On 22 December 2008 CEIOPS published a new report on the financial stability of the insurance market and the pension fund sector in the EU/EEA. The report has been prepared by CEIOPS's Financial Stability Committee (**FSC**). The current report covers developments in the insurance and occupational pension fund markets for 2007 and further elaborates on preliminary findings for 2008.

The main issues and conclusions of the report include:

- The growth of gross premium written was less than 2% in 2007, with the increase especially modest in the life insurance sector.
- Investment returns in 2007 were still at a healthy level, however, the average returns on equities were somewhat lower than in 2006.
- During 2008 solvency positions have deteriorated and many companies have increased their capital buffers by now. It seems that most insurers' solvency margins still include some shock absorption capacity.
- The insurance industry as a whole faces several risks and challenges going forward, of which the most prevalent are financial risks, in particular the risk of low or even again decreasing interest rates as well as risks related to equity markets. A prolonged period of economic recession will be particularly challenging for the underwriting performance.
- The degree of concentration is stable; no exceptionally big M&A operations have taken place in the period 2007-2008. Moreover, internationalisation of the European insurance industry has proceeded slowly, for instance, the market shares of foreign companies conducting cross border business through freedom of services is still almost negligible.
- Markets for financial guarantors continue to be essentially closed, with the exception of US municipal business where there had been demand at attractive rates for AAA players. European regulators are monitoring closely the effects of market developments through enhanced supervisory oversight, liaison with

other regulators, and contingency planning in the event of further downgrades or even insolvency.

- According to recent information received from CEIOPS Members, direct exposures to structured credit products, including sub-prime related risks remain limited in CEIOPS' sectors. Exposures to debt instruments and equity shares issued by the banking sector were on average 10% of total investments for those countries that provided data. Of these debts, 7% were qualified as relating to troubled banks, with a more significant exposure to troubled bank shares. Most of the equity impairment has already been booked as a realised loss.
- Given the deterioration in some European commercial property markets as a result of weak economic conditions, some European insurers and pensions funds have recorded reduced incomes in recent quarters, or even losses. Further losses are likely if the negative developments in commercial property markets continue but on the whole exposures appear to be manageable and should not jeopardise the solvency of insurers and pension funds.

Please click [here](#) for a copy of the full report. (Source: *CEIOPS, CEIOPS-FS-20/08, December 2008*) - [Back](#)

Lloyd's Presents Its Strategic Plan For The Next Three Years

On 11 December 2008 Lloyd's of London published its Strategic Plan setting out its strategic vision and key priorities for 2009 to 2011.

This year the strategic plan includes a rolling Three-Year Plan which is reviewed and tested on an annual basis, and its annual Franchise Business Plan detailing the activities for 2009 that will deliver the strategy.

Please download the latest plan from the Lloyd's of London website: [Interactive version of the Strategic Plan \(701KB, pdf\)](#)

In an accompanying press release, Lloyd's Chief Executive, Richard Ward, said that Lloyd's vision remains to be the platform of choice for insurance and reinsurance buyers and sellers to access and trade specialist property and casualty risks.



ADDLESHAW GODDARD

He also emphasised that Lloyd's aims to deliver this vision by building on the five principal benefits of operating at Lloyd's:

- 1) the market's performance management framework,
- 2) the capital advantages of mutuality,
- 3) the superior financial security and ratings,
- 4) the global market access, and
- 5) the cost-effective operating environment.

[The five principal benefits of operating at Lloyd's](#) can be found on Lloyd's website.

(Source: *Lloyd's of London*, [press release](#), 11 December 2008) - [Back↑](#)

FSA Response To Practitioner Panel Survey

On 11 December 2008 the FSA published a press release responding to the latest survey of regulated firms by the independent Financial Services Practitioner Panel.

Overall, the survey shows that firms consider strong regulation a good thing. However, the burden that FSA regulation places on firms – of all types and sizes – remains a source of significant concern. Also the survey showed that that firms are more satisfied where they have had recent contact – or enjoy a close relationship – with the FSA. Hector Sants, FSA chief executive, said:

"[...] However, the FSA recognises that our understanding of firms and their business remains the major area where we need to improve, and this has been identified as a priority for some time. We are taking significant steps to move forward with this and there are already some signs of improvement here.

In the future, the Small Firms Enhanced Strategy means that small firms will have more regular contact with us, while the Supervision Enhancement Programme should lead to lower turnover in relationship managers and a better understanding of firms' business, both of which the survey identifies as key to improving firms' satisfaction."

Please click [here](#) for a copy of the survey. (Source: *FSA [press release](#)*, FSA/PN/150/2008, 11 December 2008) - [Back↑](#)

CEA Calls For Constructive EU Discussions On Solvency II

Following the agreement by the EU Council of Economic and Finance Ministers to a general approach on a text of the draft Solvency II Framework Directive that excludes the group support regime, the CEA, the European insurance and reinsurance federation, calls for open and constructive discussions between the Council, the European Parliament and the European Commission to try to reach agreement on a common text.

The CEA had already expressed disappointment that the text presented to the Council had removed all mention of the group support regime, which allows for the supervision of insurance groups in line with their economic reality. The CEA continues to believe that the group support regime is fundamental to Solvency II, since it allows for the economic assessment of a group's risk and capital as well as the enhanced coordination of supervisors involved in the group's oversight.

Please click [here](#) for a copy of the Press Release. (Source: *CEA [press release](#)*, Brussels, 2 December 2008) - [Back↑](#)

Equitable Life Regulatory Failure "An Outrage" Say MEPs And UK

On 01 December 2008 the European Parliament committee discussed the latest developments in the Equitable Life affair. MEPs and UK Parliamentary Ombudsman, Ann Abraham, all took the view that the British government should compensate policyholders who lost money due to the financial mismanagement at Equitable, given that regulatory failure was a major contributory factor to those losses.

Please click [here](#) for the full copy of the press release. (Source: *European Parliament*, [press release](#), 20081201IPR43330) - [Back↑](#)

IFSB And IAIS Sign Working Agreement

On 4 December 2008 the Islamic Financial Services Board (**IFSB**) announced that it has signed an agreement with the International Association of



ADDLESHAW GODDARD

Insurance Supervisors (**IAIS**) which aims to enhance the cooperation and understanding in mutual areas of supervision in the Takaful industry.

Both organisations have a mutual goal to promote the soundness and stability of the insurance/Takaful industry through the development of international prudential standards and enhancing the cooperation among supervisory authorities. While the specific scope of the IAIS is on the development of the insurance industry, the scope of the IFSB encompasses banking, capital markets and insurance/Takaful. The first cooperation between the two organisations resulted in the publishing of a Joint Issues Paper on Issues in Regulation and Supervision of Takaful (Islamic Insurance) published in June 2006. The Working Agreement is a continuation of that cooperation.

The IFSB also announced that it will be issuing an exposure draft entitled Guiding Principles on Governance of Islamic Insurance (**Takaful**) Operations by the end of 2008. It is also currently preparing a standard on the solvency requirements for Takaful operations."

Please click [here](#) for a copy of the press release. (Source: *IFSB, press release, 4 December 2008*) - [Back↑](#)

[Egg Fined £721,000 For Serious Failings In Its Sales Of Credit Card Payment Protection Insurance](#)

On 10 December 2008 the FSA announced in a press release that it has issued a Final Notice to Egg Banking plc fining the bank £721,000 for serious failings in its sales of credit card payment protection insurance (**PPI**).

According to the press release, the FSA found failings in approximately 40 per cent of telephone sales of credit card PPI made by Egg between January 2005 and December 2007. Egg sold PPI either when receiving a customer services call, or when making a sales call to a new customer. When Egg customers said they did not want PPI on their credit cards, the firm directed its sales staff to use techniques to persuade the customer to take the insurance - called 'objection handling'.

Egg stopped telephone sales of credit card PPI, and has agreed to write to customers and pay a full refund plus interest where appropriate.

Please click [here](#) for a copy of the Final Notice. (Source: *FSA [press release](#), FSA/PN/149/2008, 10 December 2008*) - [Back↑](#)

[Businessman Fined £35,000 For Lying About FSA Authorisation](#)

According to a FSA press release an Oxfordshire businessman, Mr Mayson Shanti of Marcham, Abingdon has been fined £35,000 by Didcot Magistrate's Court for falsely claiming that his company, Chase Capital Finance Limited (Chase Capital), was authorised by FSA. This is the first time that the FSA has prosecuted an individual for falsely claiming to be authorised.

(Source: *FSA [press release](#), FSA/PN/151/2008, 11 December 2008*) - [Back↑](#)

New Legislation & Consultations

[FSA Proposes Changes To The Rules For Approved Persons](#)

On 19 December 2008 the FSA published Consultation Paper, CP 08/25: 'The approved persons regime – significant influence function review' (**CP**).

The CP proposes amendments to the FSA handbook to extend the approved persons regime and sets out how the FSA is enhancing its scrutiny of senior management competence. The main purpose of the CP is to ensure that all directors and senior managers understand their regulatory obligations, have relevant experience and carry out their roles with integrity.

In summary, the CP proposes to

- extend the definition of the existing CF1 (director) and CF2 (non-executive director) controlled functions to include certain individuals in parent companies to which an authorised firm is accountable;
- clarify the role of non-executive directors to make clear that the FSA will, in future, look at non-executives more closely where it believes they should have intervened more actively with a firm's management;
- extend the definition of CF29 (significant management function) to include all proprietary traders where they can exert a significant influence over a firm;



ADDLESHAW GODDARD

- amend the application of the approved persons regime to UK branches of overseas firms based outside the EEA; and
- extend the rule obliging firms to provide references for applicants of the CF30 (customer function) to all controlled functions if requested to do so.

Please click [here](#) for a copy of the CP. (Source: FSA, [press release](#), FSA/PN/153/2008, 19 December 2008) - [Back](#)

FSA Consultation Paper On Stress Testing

On 9 December 2008 the FSA published a consultation paper (CP 08/24) proposing changes to the Handbook rules and guidance on stress and scenario testing. The changes include:

The *Reverse-stress test requirement* would apply to insurers, banks, building societies and CRD investment firms and would require firms to consider the scenarios most likely to cause their current business model to become unviable. The CP explains that the aim is to ensure that firms more fully explore 'tail risks' which, if they were to crystallise, would cause counterparties and investors to lose confidence in them, so that a firm is more aware of its business model vulnerabilities when making strategic business decisions, when contingency planning, and when considering its risk management arrangements.

In relation to *Risk-based capital* the FSA proposes to make some drafting changes to its existing requirements on Pillar 2 capital stress and scenario testing (the ICAAP provisions), or where firms use internal models to assess their Pillar 1 capital requirements. These are intended to clarify the FSA's current policy and address recommendation of the internal audit report into its supervision of Northern Rock.

Please click [here](#) for a copy of the consultation paper. (Source: FSA, [Newsletter](#) to CP 08/24, 9 December 2008) - [Back](#)

FSA Handbook Notice 54

On 4 December, the FSA made changes to the Handbook in eight instruments which:

- clarify the FSA policy to ensure that all firms that undertake designated investment

business are categorised correctly (FSA 2008/65);

- improve the day-to-day application of the insurance prudential sourcebooks including the reporting of derivatives and assets backing index-linked liabilities (FSA 2008/66);
- clarify the disclosure requirements relating to income withdrawals from existing personal pensions schemes (FSA 2008/67);
- make revisions to the enforcement provisions, and associated guide, following a review undertaken earlier this year (FSA 2008/68);
- remove the current limit of 28 days imposed on collective investment schemes which have suspended dealings in units (FSA 2008/69);
- clarify and update the Listing Rules relating to the sponsor regime (FSA 2008/70);
- provide for a delay in disclosure that should improve the effectiveness of any liquidity support provided, and reduce the likelihood of disclosure undermining confidence in the issuer (FSA 2008/71); and
- change Regulated Covered Bonds (RCB) forms so that the RCB application and ongoing monitoring processes are made more efficient (FSA 2008/72).

Please click [here](#) for a copy of the Handbook Notice. (Source: FSA Handbook Notice 54, 4 December 2008) - [Back](#)

Counter-Terrorism Act 2008

On 1 December 2008, the Counter-Terrorism Act 2008 was published on the Office of Public Sector Information (OPSI) website.

The Act was passed on 26 November 2008. The Act includes provisions relating to terrorist financing and money laundering. These provisions came into force on 27 November 2008.

Please click [here](#) for a copy of the Act. - [Back](#)

UK Country Report On QIS4

On 8 December 2008 the FSA published the UK country report entitled "The fourth Quantitative Impact Study (QIS4) for Solvency II"



The key purpose of this report is to summarise the findings from the UK element of the QIS4 study. This report aims to be factual, reporting the feedback received from UK firms and groups that participated in QIS4. Aside from this objective, the QIS4 study has been carried out alongside many other developments in Solvency II, including the ongoing discussions on the proposed text of the directive.

Please click [here](#) for a full copy of the report. (Source: FSA, *The fourth Quantitative Impact Study (QIS4) for Solvency II, 8 December 2008*) - [Back↑](#)

Launch Of Public Consultation On Alternative Dispute Resolution

On the 10 December 2008 the European Commission launched a public consultation on alternative dispute resolution (**ADR**) in the area of financial services.

The document explains that ADR schemes, such as ombudsmen, mediators or complaint boards, responsible for resolving disputes between consumers and financial services providers, do not currently exist in all EU Member States and for all financial services sectors. In addition, existing schemes do not always cover all financial services providers.

This European Commission invites stakeholders to express their views on what steps they would consider necessary to improve the coverage and efficiency of FIN-NET, the network of national ADR schemes dealing with financial services disputes, created by the European Commission in 2001, to promote the creation of ADR schemes and to ensure that financial services providers adhere to them. The document also raises the issue of whether financial services providers should be obliged to inform customers about the possibility to resolve disputes through an ADR scheme.

The Commission encourages wide participation of all interested stakeholders and invites them to respond to the consultation by 27 February 2009. Further information can be found: http://ec.europa.eu/internal_market/fin-net/docs_en.htm

(Source: European Union, [rapid press release](#), 10 December 2008) - [Back↑](#)

FSA Publishes Policy Statement In Relation To DEPP, RCB And EG

In December 2008 the FSA published Policy Statement 08/13 "Decision Procedure and Penalties manual and

Enforcement Guide Review 2008 Feedback on CP08/10".

In this Policy Statement the FSA responds to comments received in relation to Consultation Paper 08/10 (CP08/10): Decision Procedure and Penalties manual and Enforcement Guide Review 2008 and publishes amendments to the text of the Decision Procedure and Penalties manual (DEPP), the Regulated Covered Bonds sourcebook (RCB) and the Enforcement Guide (EG) and associated consequential changes.

Please click [here](#) for a copy of the Policy Statement. (Source: FSA PS 08/13, December 2008) - [Back↑](#)

Regulatory Developments

FSA Invites Industry To Address Lack Of Transparency And Conflicts Of Interest In The Insurance Market

On 16 December 2008 the FSA published Feedback Statement 08/7 "Transparency, disclosure and conflicts of interest in the commercial insurance market" together with an accompanying statement.

The Feedback Statement contains the responses which the FSA received on its Discussion Paper (**DP**) 08/2. DP 08/2 set out concerns about the mediation of commercial general insurance and the outcomes the FSA wanted to see achieved.

In addition, the Feedback Statement also explains the FSA's general approach to improving transparency in the mediation of commercial general insurance and the management of conflicts of interest.

The accompanying Statement clarifies that

"Our concern about wholesale commission disclosure, transparency and the management of conflicts of interest in commercial general insurance is longstanding. The evidence from our recent work suggests that although intermediaries are largely managing conflicts of interest appropriately, more should be done to improve transparency of their remuneration, services and capacity."

In 2010/11, the FSA will assess whether the outcomes for customers as indicated in the Feedback Statement have been achieved. Until then, FSA supervisors will be monitoring the actions firms are taking to respond to the outcomes for customers.



ADDLESHAW GODDARD

Please click [here](#) for a copy of the Feedback Statement and [here](#) for the accompanying Statement. (Source: FSA, [newsletter](#) to Feedback Statement 08/7, December 2008) - [Back↑](#)

FSA Publishes Factsheet On Advice Process

On 10 December 2008 the FSA published the 5th of a series of factsheets focusing on the different areas of the advice process.

The factsheet covers the communication with clients, in particular when preparing and issuing suitability reports and contains various examples of good and poor practices.

Please click [here](#) for a copy of the Factsheet. (Source: FSA, *Improving the quality of your advice process – Communication, 10 December 2008*) - [Back↑](#)

Charlie McCreevy Proposes Actions To Face The Current Crisis

On 4 December 2008, Charlie McCreevy, European Commissioner for Internal Market and Services, gave a speech at the Institute of Chartered Accountants in England and Wales on "Financial market controversies and the outlook for next year". Mr McCreevy proposed the following five actions to get out of the current financial crisis:

I. Transparency and Disclosure. The industry has to act to disclose what they have and where they have it. We need accounting standards that give us a true picture and not just when the economy is working well. And we need a global accounting standard setter with 21st century standards of governance.

II. Regulation of risk management and prudential oversight. The EU needs to adopt the revised Capital Requirements Directive that I proposed in October and it needs to do so fast. We need Solvency II adopted and we need it fast. And we need a roadmap on how the risks from credit derivatives can be mitigated and we need it fast.

III. Incentives. Perverse incentives stemming from executive compensation schemes should go and they should go now. My proposals on securitization need to be adopted and they need to be adopted now. Conflicts of interest

within rating agencies need to be tackled and they need to be tackled now.

IV. Oversight and Crisis Management. We have got to move towards much better oversight to detect and prevent crises or imbalances in future. It is why President Barroso set up a High Level Group on cross-border supervision under Jacques de Larosière to produce recommendations by March next year. And we need better crisis management mechanisms.

V. International Cooperation. And finally, we need much, much greater international cooperation. The G20 Summit took an important step forward, but we have to go much further and translate this into change on the ground. ... We need to cooperate whenever and wherever with our third country partners. For this reason, I was very glad to see that on accounting standards, we completed the move to dropping reconciliation, we agreed on equivalence for certain third countries and I welcome the courageous moves of the SEC on moving to IFRS for US issuers."

Please click [here](#) for a copy of the speech. (Source: *European Union, Rapid Press Release, SPEECH/08/676, 04/12/2008*) - [Back↑](#)

New FSA Webpage On Data Security And Consumer Communications

On 18 December 2008 the FSA added a new page on its website on "data security and consumer communications". The new page contains various examples of good practices firms should employ, where appropriate, to enhance their data security risk assessments, protect consumers and reduce the risk of consumer data being used by criminals.

Please click [here](#) to access the page. - [Back↑](#)

House Of Commons Committee Supports The Ombudsman's Findings On Equitably Life

On 11 December 2008 the House of Commons Public Administration Select Committee (**Committee**) published a report entitled "Justice delayed: The Ombudsman's report on Equitable Life"



ADDLESHAW GODDARD

This Report contains the Committee's views on the Ombudsman's main conclusions and recommendations on the regulation of Equitable Life.

The Committee urges the Government, without further delay, to accept the Ombudsman's findings of maladministration. It supports the Ombudsman's recommendation for a full and unreserved apology from those public bodies concerned. Furthermore, the Committee strongly supports the Ombudsman's recommendation for the creation of a compensation scheme to pay for the loss that has been suffered by Equitable Life's members as a result of maladministration.

Please click [here](#) for a copy of the report. (Source: *Justice delayed: The Ombudsman's report on Equitable Life Second Report of Session 2008–09*) - [Back↑](#)

CC Paper On The Implication Of Proposed PPI Remedies On Intermediaries

On 13 November 2008 the Competition Commission (**CC**) [published](#) its provisional decision on the package of remedies required to remedy the adverse effect on competition and related customer detriment provisionally identified due to the mis-selling of Payment Protection Insurance (**PPI**). The CC now published a paper which sets out how the proposed package of remedies described is intended to apply to intermediaries.

Please click [here](#) for a copy of the publication. (Source: *CC, Market Investigation Into Payment Protection Insurance Application to intermediaries of the 13 November provisional decision on remedies, Published: 12 December 2008*) - [Back↑](#)

European Union Agrees On General Approaches On Financial Services

On 2 December 2008 the Economic and Financial Affairs Council of the European Union (**Council**) approved general approaches on four "financial services" dossiers.

In a press release, the Council explained that "the aim of the legislative drafts is to meet the expectations of citizens and market players in relation to the international financial crisis, by raising guarantee levels and reducing repayment periods where a bank cannot pay back deposits, adequately protecting creditors interests and overall financial stability, strengthening

protection of insurance policyholders and facilitating cross-border mergers of UCITS."

The dossier focuses on

- Bank deposit guarantee schemes;
- Banks' capital requirements;
- Solvency of insurance undertakings ("Solvency II"); and
- Undertakings for collective investment in transferable securities (UCITS)

Please click [here](#) for a copy of the press release. (Source: *Council of the European Union, 2 December 2008 16562/08 (Presse 352)*) - [Back↑](#)

General Legal Issues

ABI Publishes Guidance On Articles Of Association

On 23 December 2008 the *ABI* published guidance on articles of association.

The guidance covers the following topics:

- Auditor liability;
- Borrowing powers;
- Means of communication;
- Conflicts of interest;
- Corporate representatives; and
- Dispute resolution & exclusive jurisdiction.

Please click [here](#) for a copy of the guidance. - [Back↑](#)

New Guidelines For The Prudential Assessment Of Acquisitions And Increases In Financial Holdings

On 18 December 2008 CEBS, CEIOPS and CESR published their guidelines for the prudential assessment of acquisitions and increases in financial holdings as required by Directive 2007/44/EC.

The guidelines define co-operation arrangements amongst supervisors from across financial sectors, in order to ensure an adequate and timely flow of information between them. Furthermore, the guidelines establish an exhaustive and harmonised list of information that proposed acquirers should include in



ADDLESHAW GODDARD

their notifications to the competent supervisory authorities.

These [guidelines \(08-543b\)](#) are accompanied by a [feedback table \(08-543b Annex\)](#) and a [press release \(3L3 18/12/09 MA\)](#). (Source: CESR, [website](#), 18 December 2008) - [Back](#)

Case Summaries

High Court Waives Certain Publicity Requirements For Runoff Reinsurer

On 3 December 2008, the High Court published its preliminary decision in the case of Equitas Ltd [2008]

EWHC 2960 (Ch) (03 December 2008). In this case Equitas Limited represented the names at Lloyd's for the 1992 and prior years of account.

The court waived certain publicity requirements associated with transfers of insurance business by Equitas Ltd. under Part VII of the Financial Services and Markets Act 2000. The court decided that it had jurisdiction to grant the waiver, and that it was appropriate to do so, on the basis, inter alia, that s 109(1) of the Financial Services and Markets Act 2000 could not be read as imposing a requirement that the originating process should be accompanied by a scheme report at the time at which it was issued.

Please click [here](#) for a full copy of the decision. - [Back](#)

If you wish to discuss any of the above, or for more information, please contact one of the Insurance and Reinsurance Group



Ivor Edwards

☎ 020 7544 5488

✉ ivor.edwards@addleshawgoddard.com



David Heffron

☎ 0113 209 2390

✉ david.heffron@addleshawgoddard.com



Michael Lowry

☎ 0113 209 2428

✉ michael.lowry@addleshawgoddard.com



Richard Leedham

☎ 020 7788 5157

✉ richard.leedham@addleshawgoddard.com



Michael Green

☎ 020 7788 5062

✉ michael.green@addleshawgoddard.com



Simon Twigden

☎ 020 7788 5020

✉ simon.twigden@addleshawgoddard.com