

GUERNSEY STATUTORY INSTRUMENT

2007 NO. 41

The Protected Cell Companies and Incorporated Cell Companies (Fees for Insurers) Regulations, 2007*Made*19th December, 2007*Laid before the States**Coming into operation*1st January, 2008

THE GUERNSEY FINANCIAL SERVICES COMMISSION, in exercise of the powers conferred upon it by section 13 of the Financial Services Commission (Bailiwick of Guernsey) Law, 1987^a, sections 85 and 94 of the Insurance Business (Bailiwick of Guernsey) Law, 2002^b, sections 8 and 26 of the Protected Cell Companies Ordinance, 1997^c and sections 2 and 61 of the Incorporated Cell Companies Ordinance, 2006^d, and after consultation with the States of Guernsey Policy Council, the States of Alderney Policy and Finance Committee and the Chief Pleas of Sark General Purposes and Advisory Committee, hereby makes the following regulations –

Fee payable on application to be licensed as an insurer.

1. For the purposes of section 6 of the Insurance Business (Bailiwick of Guernsey) Law, 2002, an application by a protected cell company or an incorporated cell company to be licensed as an insurer shall be accompanied by a fee of £3,710 and, following licensing of a protected cell company or an incorporated cell company as an insurer, an application for authorisation for a cell shall be accompanied by a fee of £1,045 in respect of each cell.

^a Ordres en Conseil Vol. XXX, p. 243; amended by Vol. XX of 1991; No. XIII of 1994; No. II of 1997; No. II of 1998; No. XVII of 2002; No. XXII of 2003; No. XXXIV of 2005; also amended by the Insurance Business (Bailiwick of Guernsey) Law, 2002, by the Public Trustee (Bailiwick of Guernsey) Law, 2002 and by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003.

^b Order in Council No. XXI of 2002; amended by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003.

^c Ordinance No. V of 1997; amended by No. XV of 1998 and No. XXI of 2005.

^d Ordinance No. XVIII of 2006.

Periodic fee payable by protected cell companies and incorporated cell companies which are licensed as insurers.

2. For the purposes of section 94 of the Insurance Business (Bailiwick of Guernsey) Law, 2002, a protected cell company or an incorporated cell company licensed as an insurer under section 7 of the Insurance Business (Bailiwick of Guernsey) Law, 2002 shall pay to the Commission –

(a) on or before the last day of the month in which it is first so licensed, a fee equal to the sum of the following amounts –

(i) £3,710; and

(ii) for a protected cell company £1,210 in respect of each trading cell and £100 in respect of each dormant cell in either case in existence when it is first so licensed; and

(iii) for an incorporated cell company £1,210 in respect of each cell in existence when it is first so licensed;

divided by twelve and multiplied by the number of complete months between the date on which it is first so licensed and the end of the calendar year in which that date falls; and thereafter

(b) on or before 31 January each year, a fee equal to the sum of the following amounts –

(i) £3,710; and

(ii) for a protected cell company £1,210 in respect of each trading cell and £100 in respect of each dormant cell in either case in existence at 1 January of that year; and

(iii) for an incorporated cell company £1,210 in respect of each cell in existence at 1 January of that year;

and

(c) on or before the last day of the month in which a new cell is created, where that cell is created after the date of licensing of the protected cell company or incorporated cell company, a fee of £1,210 divided by twelve and multiplied by the number of complete months between the date the cell is created and the end of the calendar year in which that date falls.

Conversion of companies.

3. A person applying to the Commission –

(a) under section 8 of the Protected Cell Companies Ordinance, 1997 or under section 50 of the Incorporated Cell Companies Ordinance, 2006, for the consent of the Commission to convert an existing company, which is licensed as an insurer, into a protected cell company or an incorporated cell company; or

(b) under section 51 of the Incorporated Cell Companies Ordinance, 2006, for the consent of the Commission to convert an existing protected cell company, which is licensed as an insurer, into an incorporated cell company;

which will, when converted, be licensed under the Insurance Business (Bailiwick of Guernsey) Law, 2002, shall pay to the Commission at the time of making that application a fee of £810.

Power of Commission to waive fees.

4. The Commission may in its absolute discretion waive any fee, or part of a fee, payable pursuant to these Regulations.

Fees not refundable.

5. Subject to regulation 4, no fee payable under these Regulations is refundable.

Fees under the 2007 FSC (Fees) regulations.

6. The fees payable under these Regulations are in substitution for, and not in addition to, the fees payable under regulation 2 of the Financial Services Commission (Fees) Regulations, 2007^e.

Interpretation.

7. (1) In these Regulations –
 - (a) “the Commission” means the Guernsey Financial Services Commission, established by the Financial Services Commission (Bailiwick of Guernsey) Law, 1987;
 - (b) “dormant cell” means a cell of a protected cell company in which the cell has no unexpired insurance policies and no insurance liabilities;
 - (c) “incorporated cell company” means an incorporated cell company within the meaning of the Incorporated Cell Companies Ordinance, 2006;
 - (d) “protected cell company” means a protected cell company within the meaning of the Protected Cell Companies Ordinance, 1997;

^e A Guernsey Statutory Instrument made by the Commission on 1 December, 2007.

- (e) “trading cell” means a cell of a protected cell company that is not a dormant cell.
- (2) A reference to an enactment or to any Rule or Regulation made under an enactment is a reference to that enactment, Rule or Regulation as from time to time amended, repealed and replaced, extended or applied by or under any other enactment, Rule or Regulation.
- (3) The Interpretation (Guernsey) Law, 1948^f applies throughout the Bailiwick to the interpretation of these Regulations as it applies to the interpretation of an enactment in force in the Island of Guernsey.

Repeals.

8. The Protected Cell Companies and Incorporated Cell Companies (Fees for Insurers) Regulations, 2006^g are repealed.

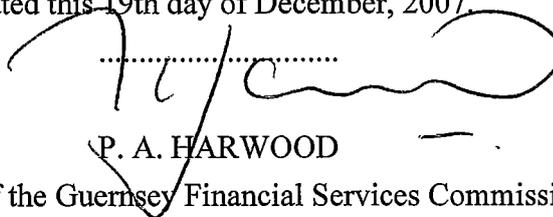
Citation.

9. These Regulations may be cited as the Protected Cell Companies and Incorporated Cell Companies (Fees for Insurers) Regulations, 2007.

Commencement.

10. These Regulations shall come into force on 1st January, 2008.

Dated this 19th day of December, 2007.



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P. A. HARWOOD

Chairman of the Guernsey Financial Services Commission.

For and on behalf of the Commission.

^f Ordres en Conseil Vol.XIII, p.355

^g Guernsey S.I. 2006 No. 51

EXPLANATORY NOTE.

(This note is not part of the Regulations)

These Regulations prescribe the fees payable to the Guernsey Financial Services Commission by any company which is a protected cell company or an incorporated cell company, and which applies to be licensed to conduct insurance business under the Insurance Business (Bailiwick of Guernsey) Law, 2002, and the fee payable periodically thereafter. Furthermore, the Regulations prescribe the fee payable to the Guernsey Financial Services Commission by any company for the conversion of a company into a protected cell company or an incorporated cell company, or for the conversion of an existing protected cell company into an incorporated cell company.