

Island of



Guernsey

## Ordinance of the States

**XXXVI**  
**2011**

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Made .....30th November, 2011

Coming into Operation.....30th November, 2011

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### **The Insurance Business (Bailiwick of Guernsey) (Amendment) Ordinance, 2011**

## **The Insurance Business (Bailiwick of Guernsey) (Amendment) Ordinance, 2011**

**THE STATES**, in pursuance of their Resolution of the 25<sup>th</sup> March, 2010<sup>a</sup>, and in exercise of the powers conferred on them by section 85 of the Insurance Business (Bailiwick of Guernsey) Law, 2002, as amended<sup>b</sup> and all other powers enabling them in that behalf, hereby order:-

### **Amendment of the Insurance Business (Bailiwick of Guernsey) Law, 2002.**

1. The Insurance Business (Bailiwick of Guernsey) Law, 2002, as amended, is further amended as follows.

2. After section 1(2) insert the following subsection -

"(2A) However, an insurer of the description set out in paragraph (c) of the definition of "recognised insurer" in Schedule 5 shall not be regarded for the purposes of this Law as carrying on, or holding himself out as carrying on, insurance business in or from within the Bailiwick by reason only of the fact that -

(a) he contacts or visits a client in the Bailiwick at the request of that client, or

(b) he effects or carries out a contract of

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<sup>a</sup> Article X of Billet d'État No. VI of 2010.

<sup>b</sup> Order in Council No. XXI of 2002; amended by Recueil d'Ordonnances Tome XXIX, p. 406; Tome XXXIII, pp. 61 and 297 and Ordinance Nos. VIII and XXXI of 2010; G.S.I. No. 33 of 2004; No. 4 of 2008 and Nos. 15 and 83 of 2010.

insurance, other than through a licensed insurance intermediary within the meaning of the Insurance Managers and Insurance Intermediaries (Bailiwick of Guernsey) Law, 2002, in consequence of such a request."

3. After section 5(c) insert the following paragraph -

"or

- (d) in the case of sections 1 and 3, and in relation to insurance of any description required to be effected and maintained by or under the third party insurance enactments, an insurer of the description set out in paragraph (c) of the definition of "recognised insurer" in Schedule 5, but only in circumstances where the insurer falls within the disregard provided by section 1(2A)."

4. In section 98(3) before the word "amended" insert "from time to time".

5. In Schedule 5 -

- (a) in paragraph (c) of the definition of "recognised insurer" the word "other" is repealed, and
- (b) after the definition of "syndicate" insert the following definition -

**""third party insurance enactments" means -**

- (a) the Road Traffic (Compulsory Third Party Insurance) (Guernsey) Law, 1936,
- (b) the Road Traffic (Compulsory Third Party Insurance) (Alderney) Law, 1950,
- (c) the Steam Boilers (Insurance) Ordinance, 1952,
- (d) the Surf-Riding (Longboards) (Compulsory Third-Party Insurance) (Guernsey) Law, 1969,
- (e) the Vessels and Speedboats (Compulsory Third-Party Insurance, Mooring Charges and Removal of Boats) (Guernsey) Law, 1972,
- (f) the Tractors (Sark) Law, 1974,
- (g) the Employers' Liability (Compulsory Insurance) (Guernsey) Law, 1993,
- (h) the Employers' Liability (Compulsory Insurance) (Alderney) Law, 1994,
- (i) the Firearms (Guernsey) Law, 1998,
- (j) the Firearms (Sark) Law, 2001,

- (k) any other enactment prescribed by regulations of the States Commerce and Employment Department made after consultation with the Commission; and -
  - (i) regulations made under this paragraph may amend or repeal any of the preceding paragraphs of this definition,
  - (ii) section 86(c) (regulations to be laid before the States) applies to any regulations made under this paragraph;".

**Interpretation.**

6. The Interpretation (Guernsey) Law, 1948<sup>c</sup> applies to the interpretation of this Ordinance throughout the Bailiwick.

**Extent.**

7. This Ordinance has effect throughout the Bailiwick.

**Citation.**

8. This Ordinance may be cited as the Insurance Business (Bailiwick of Guernsey) (Amendment) Ordinance, 2011.

**Commencement.**

9. This Ordinance shall come into force on the 30<sup>th</sup> November, 2011.

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<sup>c</sup> Ordres en Conseil Vol. XIII, p.355.

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Her Majesty's Deputy Greffier.

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