

S.I. No.74 of 2007

REGULATIONS

entitled

**NON-LIFE INSURANCE (PROVISION OF
INFORMATION)(RENEWAL OF POLICY OF INSURANCE)
REGULATIONS 2007**

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**Non-Life Insurance (Provision of Information)(Renewal of Policy of Insurance)
Regulations 2007**

I, Mary O’Dea, Consumer Director of the Irish Financial Services Regulatory Authority, in exercise of the powers conferred on me by sections 43D and 43F of the Insurance Act 1989 (No.3 of 1989) by virtue of Section 33S of the Central Bank Act 1942 (No. 22 of 1942), in the name, and with the approval of the other members, of the Irish Financial Services Regulatory Authority, hereby make the following regulations:

1. These Regulations may be cited as the Non- Life Insurance (Provision of Information) (Renewal of Policy of Insurance) Regulations 2007.
2. These Regulations shall come into operation on 1 July 2007.
3. (1) In these Regulations, unless the context otherwise requires –

“electronic” includes electrical, digital, magnetic, optical, electromagnetic, biometric, photonic and any form of related technology;

“insurance” means an insurance of one or more of classes 1, 2, 3, 7, 8, 9, 10 and 13 specified in Part A of Annex I to the European Communities (Non-Life Insurance) Framework Regulations 1994 (S.I. 359 of 1994);

“motor insurance” means insurance of classes 3 (excluding land vehicles other than motor vehicles), and 10 (excluding carrier’s liability) as specified in Part A of Annex I to the European Communities (Non-Life Insurance) Framework Regulations of 1994;

“policy” has the meaning assigned to it by the Insurance Act 1936 (No.45 of 1936);

“premium” has the meaning assigned to it by the Insurance Act 1936;

“private motor insurance” means a policy of motor insurance taken out by an individual alone or with another person, outside of that individual’s business, trade or profession;

“terms” includes-

- (a) the risks to be covered in the policy of motor insurance,
- (b) the restrictions, if any, that are different, in the policy of motor insurance that is to be renewed, to those that apply to the policy of motor insurance that is in operation,
- (c) any change to the policy of motor insurance, and
- (d) the premium for the policy of motor insurance to be renewed;

“writing” shall be construed as including electronic modes of representing or reproducing words in visible form.

(2) In these Regulations-

- (a) a reference to a Regulation is a reference to a Regulation of these Regulations, unless it is indicated that reference to some other provision is intended, and
- (b) a reference to a paragraph or subparagraph is a reference to a paragraph or subparagraph of the provision in which the

reference occurs, unless it is indicated that reference to some other provision is intended.

4. These Regulations apply to the renewal of a policy of insurance that occurs on or after the commencement of these Regulations (including a renewal in a case where the policy of insurance concerned was concluded before such commencement).
5. (1) An insurer shall, not less than 15 working days prior to the date of expiry of a policy of insurance:
 - (a) where the insurer wishes to invite a renewal, issue to the client in writing a notification of renewal of the policy of insurance, or
 - (b) issue to the client in writing a notification that it does not wish to invite a renewal, unless in the case of this subparagraph (b) the insurer has reason to believe that the client would not wish to renew the policy.
- (2) The information specified in a notification referred to in paragraph (1) shall, subject to being construed as having been issued on the basis that the insurer has been informed by, or on behalf of, the client of any matter that concerns such information, be presumed to be correct as at the date of the issue of the notification.
- (3) Where an insurer is advised by, or on behalf of, the client of:
 - (a) a change to the information stated in a notification referred to in paragraph (1), or
 - (b) information which may have a bearing on the premium stated in a notification referred to in paragraph (1),

the insurer shall issue a revised notification if requested to do so by, or on behalf of, the client.

6. (1) An insurer shall, in respect of a policy of motor insurance, notify a client in writing and within the time period specified in Regulation 5(1) of information concerning –
 - a) the registration number of each vehicle insured under the policy where the policy includes private motor insurance,
 - b) the name of the drivers insured under the policy or a statement of the classes of drivers that are insured under the policy,
 - c) whether the policy is
 - (i) comprehensive,
 - (ii) third party, fire and theft,
 - (iii) third party only, or
 - (iv) a combination of the above,
 - d) where applicable, the monetary amount of any portion of the premium which has been calculated on the basis of previous claims by the client or prior convictions of the client,
 - e) the cost of any optional cover ancillary to the level of motor cover selected,
 - f) any fees or charges applied other than the premium,
 - g) changes to the terms of the policy including any restrictions or limitations,

- h) details of the various payment options available, and
- i) in accordance with paragraph (2), any discount to be applied in respect of such policy.

(2) For the purposes of complying with paragraph (1)(i), the insurer shall specify-

- (a) the percentage and monetary value of the discount, if any,
- (b) the point on the discount scale, if any, and
- (c) the number of years, if any, in respect of which no claim has been made against the policy of insurance concerned,

in a separate or separable document and shall specify the date of issue of such document.

7. An insurer is deemed to have complied with paragraphs 5 and 6 when-
- (a) the information is provided to an insurance intermediary with whom the insurer has an arrangement for onward transmission to the client, and
 - (b) the information is provided to such insurance intermediary in sufficient time to be forwarded to the client within the applicable time period referred to in Regulation 5(1).
8. An insurance intermediary shall provide to the client without delay and without amendment any notification referred to in these Regulations which is received by such insurance intermediary.

9. An insurance intermediary is deemed to have complied with its obligation under Regulation 8 to provide a notification without delay where such notification is issued to the client within the applicable time period referred to in Regulation 5(1).
10. The period of a policy of motor insurance shall not be extended solely by reason of the failure of an insurer or an insurance intermediary to comply with these Regulations.
11. In accordance with Section 43D(3) of the Insurance Act 1989, the Bank is authorised to obtain from insurers and insurance intermediaries such information as it may reasonably require for the purpose of ensuring compliance with these Regulations.
12. The Motor Insurance (Provision of Information) (Renewal of Policy of Insurance) Regulations 2002 (S.I. No 389 of 2002) are repealed.

SIGNED on this the 22nd day of February, 2007

Mary O'Dea

CONSUMER DIRECTOR
of the
IRISH FINANCIAL SERVICES
REGULATORY AUTHORITY

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation)

These Regulations require insurers to give clients:

- (a) 15 working days notice in writing of a renewal of the policy and the terms of the renewal; and
- (b) a No Claims Bonus Certificate, as a separate document in addition to the renewal notification.