

Statutory Document No. 2021/0028

*Insurance Act 2008*

INSURANCE (FEES) REGULATIONS 2021

Laid before Tynwald: 16 March 2021

Coming into Operation: 1 April 2021

The Isle of Man Financial Services Authority makes the following Regulations under sections 47 and 50 of the Insurance Act 2008.

1 Title

These Regulations are the Insurance (Fees) Regulations 2021.

2 Commencement

These Regulations come into operation on 1 April 2021.¹

3 Interpretation

In these Regulations —

“**the Act**” means the Insurance Act 2008 and a reference to section (without more) is a reference to a section of the Act;

“**core**” has the same meaning as in the Insurance (Protected Cell Companies) Regulations 2004;

“**ICC**” and “**IC**” have the same meaning as in the Incorporated Cell Companies Act 2010;

“**insurance activity**” means activity for which a person is authorised, permitted or registered by the Authority under the Insurance Act 2008;

“**the Insurance Regulations**” means the Insurance Regulations 2018;

“**net premiums written**”, in relation to an insurer, means the premium income receivable in the insurer’s last preceding financial year net of reinsurance and reduced by any rebates or refunds, but where the insurer has not

¹ Section 50(4) of the Insurance Act 2008 specifies that Regulations made by the Isle of Man Financial Services Authority under that Act shall be laid before Tynwald as soon as practicable after they are made, and if Tynwald at the sitting at which the regulations are laid, or at the next following sitting, resolves that they shall be annulled, the regulations shall cease to have effect from that time.

completed its first financial year, the net premiums written shall be taken to be the amount stated in its application for authorisation as the maximum aggregate net premiums which will be written in the first year; and

“PCC” and “cell” have the same meaning as in the Protected Cell Companies Act 2004.

4 Application

For the purposes of section 47, these Regulations prescribe the fees payable —

- (a) in respect of any application for authorisation under section 8;
- (b) in respect of any application for a permit under section 22;
- (c) annually by each insurer authorised under section 8;
- (d) annually by each holder of a permit issued under section 22;
- (e) in respect of any application for registration as an insurance manager registered under section 25;
- (f) annually by each insurance manager registered under section 25;
- (g) in respect of every application for registration as an insurance intermediary under section 25; and
- (h) annually by each insurance intermediary registered under section 25.

5 Application fees

A fee specified in column 4 or 5 of the table in Schedule 1 must accompany an application specified in column 1, subject to the conditions or classification specified in column 2, in respect of the insurance activity of a description specified in column 3 of that table.

6 Annual fees

- (1) The annual fee specified in column 4 or 5 of Table 1 in Schedule 2 is payable each year on the date shown in column 6 in respect of a person authorised or registered under the Act as specified in column 1, subject to the conditions or classification specified in column 2, in respect of the insurance activity of a description specified in column 3 of that table.
- (2) The annual fee payable on 6 April each year in respect of a person that holds a permit under section 22 is the first fee set out in columns 3 or 4 of Table 2 in Schedule 2 when reading from top to bottom in which the category of person is the type specified in column 1 and the circumstances specified in column 2 apply.
- (3) The annual fees as calculated under paragraph (1) or (2) as applicable in respect of each cell of an insurer that does not carry on insurance

business within class 1 or 2 within the meaning of the Insurance Regulations are subject to a maximum aggregate of –

- (a) from 1 April 2021 to 31 March 2022, £39,304; and
 - (b) from 1 April 2022, £47,165.
- (4) Paragraphs (1) and (2) are subject to regulation 7.
- (5) Where a fee in Table 1 or Table 2 in Schedule 2 refers to a note or condition, the corresponding note must be referred to when calculating the appropriate fee payable.

7 Pro rata annual fees

- (1) Where an authorisation is granted, a permit is issued or the insurance manager or insurance intermediary is registered on a date other than the annual payment date, the annual fee must be calculated in accordance with the following formula (rounded up to the nearest pound) –

$$\frac{FxN}{12}$$

Where –

- “F” is the annual fee which would be payable apart from this regulation; and
- “N” is the number of complete months between the date on which the authorisation was granted, the permit was issued or the insurance manager or insurance intermediary was registered and the next annual payment date, counting a part of a month as a complete month.
- (2) For the purposes of paragraph (1) the annual payment date in respect of –
- (a) authorisation under section 8 and the issue of a permit under section 22 is 6 April;
 - (b) registration as an insurance manager under section 25 is 1 July; and
 - (c) registration of an insurance intermediary under section 25 is 31 May.

8 Exemption from insurance intermediary application and annual fees

Where an insurance intermediary meets the exemption criteria under regulation 6(2) of the Insurance Intermediaries (General Business) Regulations 2020, no application fee or annual fee is payable.

9 Revocation

The Insurance (Fees) Regulations 2020² are revoked.

MADE 8 FEBRUARY 2021

K. BADGEROW

Chief Executive of the Isle of Man Financial Services Authority

L. BOYLE

Member of the Isle of Man Financial Services Authority

² 2020/0052

SCHEDULE 1

APPLICATION FEES PAYABLE

Column 1 Application for:	Column 2 Conditions or classification	Column 3 Insurance activity	Column 4 Application fee from 1 April 2021 to 31 March 2022	Column 5 Application fee from 1 April 2022
Authorisation under section 8	In respect of a person that is not a PCC, cell, ICC or IC.	The carrying on of insurance business within class 1 or 2 within the meaning of the Insurance Regulations.	£6,099	£7,319
Authorisation under section 8	In respect of a person that is not a PCC, cell, ICC or IC.	The carrying on of insurance business other than within class 1 or 2 within the meaning of the Insurance Regulations.	£3,123	£3,748
Authorisation under section 8	In respect of a core or ICC	All cases	£3,123	£3,748
Authorisation under section 8	In respect of each cell or IC	All cases	£1,568	£1,882
A permit under section 22	Where Regulation 13(1) or 14(1) of the Insurance Regulations has effect. (Non-UK or non-EU insurer)	All cases	£3,123	£3,748
A permit under section 22	Where Regulation 13(1) or 14(1) of the Insurance Regulations does not have	All cases	£1,568	£1,882

Column 1 Application for:	Column 2 Conditions or classification	Column 3 Insurance activity	Column 4 Application fee from 1 April 2021 to 31 March 2022	Column 5 Application fee from 1 April 2022
	effect. (UK or EU insurer)			
Registration under section 25	All cases	The carrying on of business as an insurance manager	£3,123	£3,748
Registration under section 25	All cases	The carrying on of business as an insurance intermediary	£2,927	£3,513

SCHEDULE 2

TABLE 1: ANNUAL FEES IN RESPECT OF AUTHORISATION OR REGISTRATION

Column 1 Authorisation or registration under:	Column 2 Conditions or classification	Column 3 Insurance activity	Column 4 Annual fee from 1 April 2021 to 31 March 2022	Column 5 Annual fee from 1 April 2022	Column 6 Date
Section 8	In respect of each cell or IC where condition 1 is not satisfied. See note 2 (non dormant cell or IC)	The carrying on of insurance business other than within class 1 or 2 within the meaning of the Insurance Regulations.	0.2% of the net premiums written of that cell, subject to a minimum of £792 and a maximum of £6,694 per cell per year	0.2% of the net premiums written of that cell, subject to a minimum of £951 and a maximum of £8,033 per cell per year	6 April
Section 8	In respect of each cell or IC where condition 1 is satisfied. See note 2 (dormant cell or IC)	All cases	£171	£206	6 April
Section 8	In all other cases	The carrying on of insurance business within class 1 or 2 within the meaning of the Insurance Regulations.	The sum calculated in accordance with note 1.	The sum calculated in accordance with note 1.	6 April
Section 8	In all other cases	The carrying on of insurance business other than within class 1 or 2 within the meaning of the Insurance Regulations.	£6,694	£8,033	6 April
Section 25	Where the insurance manager acts for zero or one	The carrying on of business as an insurance manager	£2,927	£3,513	1 July

Column 1 Authorisation or registration under:	Column 2 Conditions or classification	Column 3 Insurance activity	Column 4 Annual fee from 1 April 2021 to 31 March 2022	Column 5 Annual fee from 1 April 2022	Column 6 Date
	insurer				
Section 25	Where the insurance manager acts for 2 to 4 insurers	The carrying on of business as an insurance manager	£3,666	£4,400	1 July
Section 25	Where the insurance manager acts for 5 or more insurers	The carrying on of business as an insurance manager	£6,228	£7,474	1 July
Section 25	All cases	The carrying on of business as an insurance intermediary	£2,927	£3,513	31 May

TABLE 2: ANNUAL FEES IN RESPECT OF PERMIT HOLDERS

Column 1 Category of person or cell	Column 2 Circumstances	Column 3 Annual fee from 1 April 2021 to 31 March 2022	Column 4 Annual fee from 1 April 2022
In respect of a cell	Where condition 1 is satisfied. See note 2 (dormant cell)	£171	£206
In all circumstances	Where condition 2 is not satisfied. See note 3 (UK or EU insurer)	£2,397	£2,877
In respect of a core or cell	The carrying on of insurance business within class 1 or 2 within the meaning of the Insurance Regulations.	£6,694	£8,033
In respect of a cell	The carrying on of insurance business other than within class 1 or 2 within the meaning of the Insurance Regulations.	0.2% of the net premiums written of that cell, subject to a minimum of £792 and a maximum of £6,694 per cell per year.	0.2% of the net premiums written of that cell, subject to a minimum of £951 and a maximum of £8,033 per cell per year.
In all other circumstances	In all other circumstances	£6,694	£8,033

Note 1: Annual fee in respect of Class 1 or 2 insurers

Where the “Accounting basis” value of “Total liabilities” as reported in the regulatory balance sheet prepared in accordance with Regulation 17(1)(a)(ii) of the Insurance Regulations in respect of the position as at 31 December immediately preceding the annual payment date exceeds £1,000,000,000, or currency equivalent, the annual fee is —

- (a) from 1 April 2021 to 31 March 2022, £78,387; or
- (b) from 1 April 2022, £94,065.

In all other cases the annual fee is —

- (a) from 1 April 2021 to 31 March 2022, £39,201
- (b) from 1 April 2022, £47,042.

Note 2: (Dormant cell or IC)

Condition 1 is that the insurer has satisfied the Authority that a cell or IC of that insurer is dormant.

Note 3: (Non-UK or non-EU insurer)

Condition 2 is that Regulation 13(1) or 14(1) of the Insurance Regulations has effect, as applicable.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations specify the application fees and annual fees payable in respect of authorisations, permits and registrations under the Insurance Act 2008 from 1 April 2021 to 31 March 2022 and from 1 April 2022.

These Regulations provide for fees to be pro-rated, where applicable, if an authorisation, permit or registration is granted during a period.

These Regulations revoke and replace the Insurance (Fees) Regulations 2020 and increase all fees by 20% from 1 April 2021 and by a further 20% from 1 April 2022, with amounts being rounded up to the nearest £1.