



REPORT OF THE REGULATIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES ON ITS DELIBERATIONS ON THE INSURANCE (AMENDMENT OF SCHEDULES) REGULATIONS, 2015

Members of the Honourable House are reminded that on the 25th day of May, 2016, the Minister without Portfolio in the Office of the Prime Minister, and the Leader of the House, having obtained suspension of the Standing Orders, moved the following resolution:

BE IT RESOLVED that, notwithstanding Standing Order No. 68(3) and in accordance with Standing Order No. 73, this Honourable House appoints a Regulations Committee comprising the following Members:

Mr. Franklin Witter, - **Chairman**

Hon. Rudyard Spencer, CD

Hon. Floyd Green

Mrs. Marisa Dalrymple-Philibert

Mr. James Robertson

Dr. Lynvale Bloomfield

Dr. Dayton Campbell

Ms. Denise Daley

Mr. Victor Wright

Members are further reminded that on 8th November, 2016, the Minister without Portfolio in the Office of the Prime Minister and Leader of the House, having obtained suspension of the Standing Orders, moved:

BE IT RESOLVED that the Insurance (Amendment of Schedules) Regulations, 2015 under **the Insurance Act**, which were laid on the Table of the House on the 8th day of November, 2016, be referred to the Regulations Committee of the House of Representatives for consideration and report.

On the 31st January, 2017, a motion was moved enabling the Committee to proceed with the matters referred to it from the stages reached prior to prorogation.

Your Committee held one (1) meeting on the 4th April, 2017, in consideration of the matter, (*Appendix 1*). Representatives from the Ministry of Finance and Planning and the Financial Services Commission were invited to assist your Committee in our deliberations. Your Committee now has the honour to present our findings and recommendations.

1. OVERVIEW

Standing Order 73 (1) of the Standing Orders of the House of Representatives states that the Regulations Committee shall have the duty of considering all such regulations as defined in the **Interpretation Act** that are laid before the House and are subject to negative resolution. Your Committee is required to bring to the special attention of the House, any regulation or draft –

- (a) which involves the expenditure of public moneys or imposes or fixes fees for licences or for services;
- (b) which cannot be challenged in the Courts on the ground that it is *ultra vires*, or is only temporarily so challengeable;
- (c) the making of which appears to constitute an unusual or unexpected use of the powers conferred by the Act under which it was made;
- (d) which purports to have retrospective effect although the Act under which it was made does not in terms give the Minister such power;
- (e) the publication or the laying before the House of which appears to have been unduly delayed;
- (f) as respects which there has been unjustifiable delay in notifying the Speaker that the instrument has come into operation before it was laid before the House; or
- (g) the purport or form of which appears to require elucidation.

2. FINDINGS AND RECOMMENDATIONS

Background

Your Committee was informed that the Insurance (Amendment of Schedules) Regulations, 2015 sought to insert into the Schedules, the prescribed forms that should be used by insurance companies when filing certain information with the Financial Services Commission (FSC), the supervisor/regulator of the insurance industry. These forms would assist the supervisor/regulator in monitoring the amount of capital being maintained by these companies to deal with eventualities that might occur. This information would enable the FSC to be able to determine whether the companies had sufficient capital to meet their obligations to policyholders and other creditors. We were told that these forms should have been included as part of the Regulations in 2011 when they were amended to change the test used to determine the minimum amount of capital to be held by insurance companies from the Minimum Asset Test (MAT) to the more modern Minimum Capital Test (MCT) which now takes into account the risks faced by insurance companies. However, they were inadvertently omitted from the 2011 amendments when they were gazetted.

Recommendation

Your Committee examined the Insurance (Amendment of Schedules) Regulations, 2015 and wishes to report our decision to the Honourable Senate.

Your Committee, having taken into consideration all the matters, *has no objection to the Regulations.*

3. ACKNOWLEDGEMENTS

Your Committee wishes to express sincere gratitude to the Clerk to the Houses of Parliament and staff for their invaluable assistance and kind courtesies extended during the meeting.

Houses of Parliament
April 5, 2017

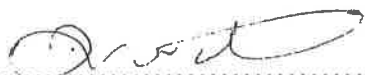
Appendix 1

ATTENDANCE

One (1) Meeting

	Present	Absent	Apology
Mr. Franklin Witter – Chairman	1	0	0
Hon. Rudyard Spencer	0	1	0
Hon. Floyd Green	0	1	0
Mrs. Marisa Dalrymple-Philibert	1	0	0
Mr. James Roberston	0	1	1
Dr. Lynvale Bloomfield	1	0	0
Dr. Dayton Campbell	0	1	0
Ms. Denise Daley	0	1	0
Mr. Victor Wright	0	1	0

SIGNATURES



Mr. Franklin Witter - **Chairman**

Hon. Rudyard Spencer

Hon. Floyd Green



Mrs. Marisa Dalrymple-Philibert

Mr. James Robertson



Dr. Lynvale Bloomfield

Dr. Dayton Campbell

Ms. Denise Daley

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