

**SECOND SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 4214 of 19 November, 2015

LEGAL NOTICE NO. 210 OF 2015.

FINANCIAL SERVICES (INSURANCE COMPANIES) ACT

**FINANCIAL SERVICES (INSURANCE COMPANIES) (SOLVENCY
II DIRECTIVE) ACT 2015**

**INSURANCE COMPANIES (LICENCE FEES) (AMENDMENT NO.2)
REGULATIONS 2015**

In exercise of the powers conferred on him by section 118 of the Financial Services (Insurance Companies) Act 1987 and section 178 of the Financial Services (Insurance Companies) (Solvency II Directive) Act 2015, the Minister has made the following Regulations—

Title.

1. These Regulations may be cited as the Insurance Companies (Licence Fees) (Amendment No.2) Regulations 2015.

Commencement.

2. The Insurance Companies (Licence Fees) (Amendment No.2) Regulations 2015 come into operation on the day of publication.

Amendments to the Insurance Companies (Licence Fees) Regulations 2011.

3.(1) The Insurance Companies (Licence Fees) Regulations 2011 are amended in accordance with this Regulations.

(2) After regulation 1, insert—

“Interpretation.

1A.(1) In these Regulations—

“Solvency II Act” means the Financial Services (Insurance Companies) (Solvency II Directive) Act 2015.

(2) Other expressions used in these Regulations have the same meaning as in the Financial Services (Insurance Companies) Act and the Solvency II Act.”.

(3) After regulation 3, insert–

“Applications for Approvals under the Solvency II Act.

3A.(1) The fees payable in respect of applications for the approvals listed in Schedule 2 shall be as set out in that Schedule.

(2) Payment of the fee in respect of any application for approval listed in Schedule 2 shall accompany the application and be payable to the Financial Services Commission.

(3) The Financial Services Commission may–

(a) waive payment of, or reduce, any fee or part of a fee otherwise payable under this Regulation; or

(b) refund the whole or part of any fee paid under this regulation.”.

(4) In the title to the Schedule, insert “1” after “SCHEDULE”.

(5) In Schedule 1, for “Annual Fee Payable” substitute “Part A – Annual Fee Payable (General)”.

(6) After “fee of 1,100” insert the following–

“2. In paragraph 1, captive insurers are insurance or reinsurance companies wholly owned by a parent company which only covers risks of the group with no third party risks.

3. In paragraph 1, protected cell companies are insurance or reinsurance companies which operate separate cells for distinct insurance or reinsurance business whether or not consented to by the Commission under section 11 of the Protected Cell Companies Act.

4. Fees payable on issue of the licence will be based on the projected gross written premiums for the first period of business annualised.
5. Annual fees payable thereafter based on gross written premiums in the financial year immediately preceding the due date for payment of the fees. Insurers who have not yet had a financial year end will have fees based on their original projected gross written premiums annualised.

Part B –Annual Fee Payable (Internal Capital Model)

	Annual fee £
Monitoring of an approved full or partial internal capital model. The internal model may be a full or partial internal model, or a group internal model. ”.	5,000

(7) After the entirety of Schedule 1, insert–

“SCHEDULE 2

Regulation 3A

1. The following fees are payable under regulation 3A.

Approval	Basis of Calculation	Application fee/fee range
Approval of an internal capital model	To be assessed on a case by case basis depending on the nature, scale and complexity of the undertaking and complexity of the internal capital model submitted. The internal capital model may be a full or partial internal	£25,000 to £75,000.

	model, or a group internal model.	
Approval of an Undertaking Specific Parameter	Fee per line of business (as defined in paragraph 33(7) of Schedule 1 to the Solvency II Act) for which an application is being made to use an Undertaking Specific Parameter.	£9,000 for each line of business.
Any other approval envisaged under the Solvency II Act	To be assessed on a case by case basis depending on the nature and level of effort required by the FSC to assess the application.	£1,000-£9,000.

”.

Dated 19th November, 2015.

A J ISOLA,
Minister with responsibility for financial services.

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