Powers exercised

A. The Financial Conduct Authority makes this instrument in the exercise of the following powers and related provisions in the Financial Services and Markets Act 2000 (“the Act”):

1. section 59 (Approval for particular arrangements);
2. section 60 (Applications for approval);
3. section 61 (Determination of applications);
4. section 69 (Statement of policy);
5. section 137A (The FCA’s general rules);
6. section 137T (General supplementary powers); and
7. section 139A (Power of the FCA to give guidance).

B. The rule-making powers listed above are specified for the purpose of section 138G(2) (Rule-making instruments) of the Act.

Commencement

C. This instrument comes into force on 7 March 2016.

Amendments to the Handbook

D. The modules of the FCA’s Handbook of rules and guidance listed in column (1) below are amended in accordance with the Annexes to this instrument listed in column (2) below:

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Citation

E. This instrument may be cited as the Handbook Separation (Insurance) Instrument 2016.

By order of the Board
25 February 2016
Annex A

Amendments to the Glossary of definitions

In this Annex, underlining indicates new text and striking through indicates deleted text.


*actuarial investigation* (1) (other than in COBS) an investigation to which IPRU-(INS) rule 9.4 as at 31 December 2015 applies.

...  

*admissible asset*  
(a) (in relation to an insurer which is not a pure reinsurer) an asset that, subject to paragraphs (2) and (3) of GENPRU 2 Annex 7, falls into one or more categories in paragraph (1) of GENPRU 2 Annex 7; or  

(b) (in relation to a pure reinsurer) an asset the holding of which is consistent with compliance by the firm with INSPRU 3.1.61AR.

has the same meaning as ‘admissible asset’ in the insurance sectors of the PRA Rulebook: Glossary.

*appropriate actuary* an actuary appointed under SUP 4.4.1R PRA Rulebook: Non-Solvency II Firms – Actuarial Requirements (Appointment of an appropriate actuary).

*capital resources* (1) in relation to a BIPRU firm or an insurer, the firm's capital resources as calculated in accordance with the capital resources table; or  

...  

*capital resources gearing rules* (1) (in relation to an insurer) GENPRU 2.2.29R, GENPRU 2.2.30R and GENPRU 2.2.32R to GENPRU 2.2.41R. [deleted]

...  

*capital resources requirement* (2) an insurer must hold as set out in GENPRU 2.1.17R to GENPRU 2.1.23R; or [deleted]

...  

*capital resources* (1) (in the case of an insurer) GENPRU 2 Annex 1; and [deleted]
enhanced capital requirement (1) (in relation to a firm carrying on general insurance business) the amount calculated in accordance with INSPRU 1.1.72CR.

(2) (in relation to a firm carrying on long-term insurance business) an amount of capital resources that a firm must hold as set out in GENPRU 2.1.38R. [deleted]

financial institution (1) (in accordance with paragraph 5(c) of Schedule 3 to the Act (EEA Passport Rights: EEA firm) and article 3 (22) of the CRD (Definitions)), but not for the purposes of GENPRU, BIPRU, and IFPRU and INSPRU), …

individual capital assessment (in INSPRU and COBS 20.2) an assessment by a firm of the adequacy of its capital resources undertaken as part of an assessment of the adequacy of the firm’s overall financial resources carried out in accordance with GENPRU 1.2.

notification rule (1) (in relation to a firm) a rule requiring a firm to give the appropriate regulator FCA notice of, or information regarding, an event, but excluding:

…

overall financial adequacy rule (1) (in GENPRU, BIPRU and INSPRU) GENPRU 1.2.26AG (Requirement for certain firms to have adequate financial resources).

…

table of PRA controlled functions the table of controlled functions in SUP 10B.4.3R.

technical provision (a) (for a firm which is not a Solvency II firm) a technical provision established:

(i) for general insurance business, in accordance with INSPRU 1.1.12 R; and

(ii) for long-term insurance business, in accordance with INSPRU 1.1.16 R in accordance with the Insurance Company – Technical Provisions part of the PRA Rulebook.

(b) …

tier one capital (2) (in BIPRU, and GENPRU and INSPRU) an item of capital that is specified in stages A(Core tier one capital), B (Perpetual non-cumulative preference shares) or C (Innovative tier one capital) of the
with-profits actuary function (in the PRA Handbook) PRA controlled function CF12A in the table of PRA controlled functions, described more fully in SUP 4.3.16AR and SUP 10B.8.2R.

(in the FCA Handbook) PRA controlled function CF12A in the table of PRA controlled functions, described more fully in SUP 4.3.16AR and SUP 10B.8.2R. or, for a Solvency II firm, the function described in rule 8 of PRA Rulebook: Solvency II firms: Insurance – Senior Insurance Management Functions and the Senior Insurance Management Function parts of the PRA Rulebook.
Annex B

Amendments to the Senior Management Arrangements, Systems and Controls sourcebook (SYSC)

In this Annex, underlining indicates new text and striking through indicates deleted text.

1.1A Application

... 

1.1A.2 G The provisions in SYSC should be read in conjunction with GEN 2.2.23R to GEN 2.2.25G. In particular:

(1) Provisions made by both the FCA and PRA may contain obligations for or references to FCA-authorised persons. GEN 2.2.23R limits the application of those provisions so that the PRA will only apply them in respect of PRA-authorised persons and not to such FCA-authorised persons as are included within the provision. [deleted]

(2) Provisions made by both the FCA and by the PRA in the PRA Rulebook, may be applied by both regulators to PRA-authorised persons. Such provisions are applied by each regulator to the extent of its powers and regulatory responsibilities. This general principle also applies where the PRA have made rules in the PRA Rulebook for Solvency II firms which overlap with those in SYSC.

(3) ...

1.2 Purpose

1.2.1 G ...

(1) … matters likely to be of interest to the appropriate regulator FCA because they impinge on the appropriate regulator’s FCA’s functions …

...

1 Annex 1 Detailed application of SYSC

<table>
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<tr>
<td>1.4</td>
<td>R SYSC 3.2.6AR to SYSC 3.2.6JG do not apply:</td>
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</table>
(2) ... reversion activity; or

(3) to a pure reinsurer.

... 1.8A R (1) SYSC 3, except SYSC 3.2.6AR to SYSC 3.2.6JG, and

(2) for a UK domestic firm, SYSC 2:

also apply in a prudential context with respect to activities wherever they are carried on.

... 3.2 Areas covered by systems and controls

... 3.2.10 G ... 

(3) ... controlling risk exposure. The risk assessment function is not an FCA controlled function itself, but for certain firms is part of the systems and controls function (CF28).

... 3.2.14 G ... 

(4) The requirements on firms with respect to approved persons are in Part V of the Act (Performance of regulated activities) and SUP 40 10A and the Senior Insurance Management Functions parts of the PRA Rulebook.

... 3.2.16 G ... 

(2) ...The internal audit function is not an FCA controlled function itself, but for certain firms is part of the systems and controls function (CF28).
12 Group risk systems and controls requirements

12.1 Application

...  

12.1.9 G ... Unless the firm is a Solvency II firm, risk management processes must include the stress testing and scenario analysis required by GENPRU 1.2.42R and GENPRU 1.2.49R(1)(b) the PRA Rulebook.

...  

12.1.18 G ... this section will form part of the appropriate regulator’s FCA’s risk management process.

...  

12.1.21 G ... is to make sure that the appropriate regulator FCA can take supervisory action ...

12.1.22 G ... the appropriate regulator FCA would not expect systems and controls to be duplicated. ...

...  

13 Operational risk: systems and controls for insurers

...  

13.4 Requirements to notify the appropriate regulator

13.4.1 G Under Principle 11 and SUP 15.3.1R, a firm must notify the appropriate regulator FCA immediately of any operational risk matter of which the appropriate regulator FCA would reasonably expect notice. ...

13.4.2 G Regarding operational risk, matters of which the appropriate regulator FCA would expect notice under Principle 11 include:

...  

13.6 People

...  

13.6.4 G ... A firm should also consider the rules and guidance for approved persons in other parts of the Handbook (including APER_COCON and SUP) and the rules and guidance on senior manager responsibilities in SYSC 2.1 (Apportionment of Responsibilities).
13.7 Processes and systems

... ...

13.7.9 G ...

(3) the extent to which local regulatory and other requirements may restrict its ability to meet regulatory obligations in the United Kingdom (for example, access to information by the appropriate regulator FCA and local restrictions on internal or external audit); and

... ...

13.8 External events and other changes

... ...

13.8.4 G ... However, the appropriate regulator FCA recognises that, in an emergency, a firm may be unable to comply with a particular rule and the conditions for relief are outlined in GEN 1.3 (Emergency).

... ...

13.8.7 G ...

... ...

(c) ... (including the appropriate regulator FCA and the press);

... ...

13.9 Outsourcing

... ...

13.9.2 G ... a firm should notify the appropriate regulator FCA when it intends to enter into a material outsourcing arrangement.

... ...

13.9.5 G ...

(2) ... and to the appropriate regulator FCA (see SUP 2.3.5R (Access to premises) and SUP 2.3.7R (Suppliers under material outsourcing arrangements));
21.1 Risk control: guidance on governance arrangements

Additional guidance on governance arrangements

21.1.1 G …

(3) The appropriate regulator FCA considers …

…

Chief Risk Officer

21.1.2 G …

(2) …

(b) …or the PRA’s systems and controls relevant PRA controlled function.

(3) The appropriate regulator FCA expects …

…

21.1.3 G

(2) The appropriate regulator FCA recognises that … the appropriate regulator FCA expects…

…

21.1.5 G (1) The appropriate regulator FCA considers that …
Annex C

Amendments to the General Provisions (GEN)

In this Annex, underlining indicates new text and striking through indicates deleted text.

2.2 Interpreting the Handbook

... 

2.2.23 R (1) This rule applies to Handbook provisions made by both the FCA and the PRA, and to Handbook provisions made by the FCA and formerly also made by the PRA where the PRA have made commensurate provisions in the PRA Rulebook. It may affect their application by the FCA to PRA-authorised persons and PRA approved persons, and may affect their application by the PRA to any authorised person or approved person.

...
Annex D

Amendments to the General Prudential sourcebook (GENPRU)

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

1.1 Application

... 

1.1.2 G Broadly speaking however, GENPRU applies (except as provided in GENPRU 1.1.2-AAG) to:

(1) an insurer that is not a Solvency II firm; [deleted]

... 

(4) a BIPRU firm; and

(5) groups containing such firms.

... 

1.1.2A G ... In particular, many rules in GENPRU are made by both the PRA (in relation to PRA-authorised persons) and by the FCA (in relation to BIPRU firms that are FCA-authorised persons).

... 

1.2 Adequacy of financial resources

Application

1.2.1 R This section applies to:

(1) a BIPRU firm; and

(2) an insurer, unless it is:

(a) a non-directive friendly society; or

(b) a Swiss general insurer; or

(c) an EEA deposit insurer; or

(d) an incoming EEA firm; or

(e) an incoming Treaty firm; or

(f) a Solvency II firm.
1.2.1 A R  This section also applies to an insurer, unless it is:

(1)  a non-directive friendly society; or 

(2)  a Swiss general insurer; or 

(3)  an EEA deposit insurer; or 

(4)  an incoming EEA firm; or 

(5)  an incoming Treaty firm; or 

(6)  a Solvency II firm. [deleted]

…

1.2.15 G  … The appropriate regulator FCA will review that assessment as part of its own assessment of the adequacy of a firm's capital under its supervisory review and evaluation process (SREP). …

1.2.16 G  … In the case of a BIPRU firm, the appropriate regulator FCA … Therefore, when forming its view on a BIPRU firm's capital planning buffer, the appropriate regulator FCA will take into account the assessment made in relation to the firm's ICG.

…

1.2.19 G  (1)  BIPRU 2.2 (Internal capital adequacy standards) and INSPRU 7.1 (Individual capital assessment) set out detailed guidance … the more reliance the appropriate regulator FCA will be able to place …

(2)  BIPRU 2.2 and INSPRU 7.1 also have information on how the appropriate regulator FCA will review and respond to the assessments referred to in GENPRU 1.2.15G and, in the case of BIPRU firms, in GENPRU 1.2.16G. In particular they deal with the giving of individual capital guidance to a firm, which is guidance about the amount and quality of capital resources that the appropriate regulator FCA thinks a firm should hold at all times …

…

1.2.21 G  (4)  SYSC 11 sets out material on systems and controls that apply specifically to liquidity risk as that concept relates to an insurer.

(2)  [deleted]

(2A)  [deleted]

(3)  [deleted]

(4)  SYSC 11.1.21E is an evidential provision relating to the general stress and scenario testing rule concerning stress testing and
scenario analyses. SYSC 11.1.24E is an evidential provision relating to the overall Pillar 2 rule about contingency funding plans. Both of these evidential provisions apply only to an insurer to which that section of SYSC applies.

(5) [deleted]

...

1.2.29 G … SYSC 11.1.24E is an evidential provision relating to the overall financial adequacy rule concerning contingency funding plans.

...

1.2.40 G … The appropriateness of the internal process, and the degree of involvement of senior management in the process, will be taken into account by the appropriate regulator FCA when reviewing a firm’s assessment as part of the appropriate regulator’s FCA’s own assessment of the adequacy of a firm’s financial resources. …

...

1.2.42B G … A BIPRU firm without an IRB permission, or an insurer that has a material credit and counterparty credit risk exposures, should conduct analyses …

...

1.2.43 G … SYSC 11.1.21E is an evidential provision relating to the general stress and scenario testing rule concerning scenario analysis in relation to liquidity risk.

...

1.2.55 G The purpose of GENPRU 1.2.51R – GENPRU 1.2.53R is to enable the appropriate regulator FCA to assess the extent … under BIPRU 8 (Group risk – consolidation). The reason the appropriate regulator FCA wishes to make this assessment is …

...

1.2.62 G Where a firm assesses the adequacy of its CRR in its particular circumstances in accordance with BIPRU 2.2 (Internal capital adequacy standards) and INSPRU 7.1 (Individual capital assessment) …

...

1.2.73A G (1) …

(c) … However, the appropriate regulator FCA …

...
(5) ... within the firm’s ICAAP or ICA submission document.

(6) The appropriate regulator FCA will review the firm’s records referred to in (5) as part of its SREP. The purpose of examining these is to enable the appropriate regulator FCA to judge whether a firm will be able to continue to meet its CRR ...

(7) ... the appropriate regulator FCA may require the firm to set out additional countervailing measures ...

1.2.73B  G  The appropriate regulator FCA may formulate macroeconomic and financial market scenarios which a firm may use as an additional input to its ICAAP or ICA submission. In addition, the appropriate regulator FCA may also ask a firm to apply specific scenarios directly in its ICAAP or ICA submission.

1.2.73C  G  For an insurer:

(1) the treatment of new business when making capital projections is likely to be different from its ICA. In projecting its financial position, an insurer should take account of new business based on the firm’s business plan, but flexed to take account of potential changes in trading conditions and strategy. When assessing its current capital adequacy under its ICA, an insurer should take account of the effects of closure to new business (see GENPRU 1.2.27G, GENPRU 1.2.73AG (3) and (4) and INSPRU 7.1.16G to INSPRU 7.1.19G). Also, an insurer may use methods that are more approximate than used for its ICA, and

(2) where management discretion is exercised as a normal part of an insurer’s business (for example, in changing bonus rates or surrender values in accordance with the PPFM for with-profits business), under GENPRU 1.2.73AG (3)(c) the insurer does not need to estimate the effect of an adverse event on its financial position without adjusting for such changes. However, the effect on the financial position of varying such actions should be estimated and understood: [deleted]

1.2.77  G  Additional guidance on stress tests and scenario analyses for the assessment of capital resources is available in BIPRU 2.2 (Internal capital adequacy standards) and INSPRU 7.1 (Individual capital assessment).

1.2.78  G  Additional guidance in relation to stress tests and scenario analysis for liquidity risk as that concept relates to an insurer is available in SYSC 11 (Liquidity risk systems and controls). [deleted]
1.3 Valuation

Application

1.3.1 R (1) This section of the Handbook applies to an insurer, unless it is:

(a) a non-directive friendly society;
(b) an incoming EEA firm; or
(c) an incoming Treaty firm; or
(d) a Solvency II firm. [deleted]

(2) This section of the Handbook applies to a BIPRU firm.

(3) This section of the Handbook applies to a UK ISPV. [deleted]

Purpose

1.3.2 G This section sets out, for the purposes of GENPRU, and BIPRU and INSPRU, rules and guidance as to how a firm should recognise and value assets, liabilities, exposures, equity and income statement items.

1.3.4 R Subject to GENPRU 1.3.9R to GENPRU 1.3.10R and GENPRU 1.3.36R, except where a rule in GENPRU, BIPRU or INSPRU provides for a different method of recognition or valuation, whenever a rule in GENPRU, or BIPRU or INSPRU refers to an asset …

(1) the insurance accounts rules, or the Friendly Societies (Accounts and Related Provisions) Regulations 1994; [deleted]

1.3.5 G Except where a rule in GENPRU, BIPRU or INSPRU makes a different provision, GENPRU 1.3.4R applies whenever a rule in GENPRU, or BIPRU or INSPRU refers to the value or amount of an asset, liability, exposure, equity or income statement item, including:

1.3.6 G In particular, unless an exception applies, GENPRU 1.3.4R should be applied for the purposes of GENPRU, BIPRU or INSPRU to determine how to account for:

1.3.9 R For the purposes of GENPRU, BIPRU or INSPRU, except where a rule in
GENPRU, or BIPRU or INSPRU provides for a different method of recognition or valuation:

...  

1.3.10 R An election made under GENPRU 1.3.9R(2) must be applied consistently for the purposes of GENPRU, or BIPRU or INSPRU in respect of any one financial year.

...  

1.3.13 R (1) Except to the extent that GENPRU, or BIPRU or INSPRU provide for another method of valuation, GENPRU 1.3.14R to GENPRU 1.3.34R (Marking to market, Marking to model, Independent price verification; or Valuation adjustments or, in the case of an insurer or a UK ISPV, valuation adjustments or reserves) apply:

...  

...  

1.3.16 R ...  

(2) ...  

(b) ... the firm must consider making adjustments or, in the case of an insurer or a UK ISPV, making adjustments or establishing reserves.

...  

General requirements: Valuation adjustments or, in the case of an insurer or a UK ISPV, valuation adjustments or reserves

1.3.29 R ... (Marking to market, Marking to model, Independent price verification; or Valuation adjustments or, in the case of an insurer or a UK ISPV, valuation adjustments or reserves). However if GENPRU, or BIPRU or INSPRU provide for another treatment of such gains or losses, that other treatment must be applied.

1.3.30 R A firm must establish and maintain procedures for considering valuation adjustments or, in the case of an insurer or a UK ISPV, valuation adjustments or reserves. These procedures must be compliant with the requirements set out in GENPRU 1.3.33R.

...  

1.3.32 R A firm must consider the need for making adjustments or, in the case of an insurer or a UK ISPV, establishing reserves for less liquid positions and, on an ongoing basis, review their continued appropriateness in accordance with
the requirements set out in GENPRU 1.3.33R. Less liquid positions could arise from both market events and institution-related situations e.g. concentration positions and/or stale positions.

1.3.33 R …

(2) A firm must consider the following adjustments or, in the case of an insurer or a UK ISPV, adjustments or reserves: unearned credit spreads, close-out costs, operational risks, early termination, investing and funding costs, future administrative costs and, where appropriate, model risk.

(3) …

(b) A firm must consider several factors when determining whether a valuation adjustment or, in the case of an insurer or a UK ISPV, valuation adjustment or reserve is necessary for less liquid positions. …

1.3.34 R If the result of making adjustments or, in the case of an insurer or a UK ISPV, making adjustments or establishing reserves under GENPRU 1.3.29R to GENPRU 1.3.33R …

1.3.35 G Reconciliation differences under GENPRU 1.3.34R should not be reflected in the valuations under GENPRU 1.3 but should be disclosed to the appropriate regulator FCA in prudential returns. Firms which are subject to the reporting requirement under SUP 16.16 should disclose those reconciliation differences in the Prudent Valuation Return which they are required to submit to the appropriate regulator FCA under SUP 16.16.4R.

Specific requirements: firms carrying on insurance business

2.1 Calculation of capital resources requirements

…

2.1.1 R This section applies to:

(1) a BIPRU firm; and

(2) an insurer, unless it is:

(a) a non-directive friendly society; or

(b) a Swiss general insurer; or
(e) an EEA deposit insurer; or
(d) an incoming EEA firm; or
(e) an incoming Treaty firm; or
(f) a Solvency II firm.

2.1.3 R …

(2) Where an insurer carries on both long-term insurance business and general insurance business, except where a particular provision provides otherwise, this section applies separately to each type of business. [deleted]

2.1.6 G … The adequacy of a firm's capital resources needs to be assessed both by that firm and the appropriate regulator. Through its rules, the appropriate regulator FCA sets minimum capital resources requirements for firms. It also reviews a firm's own assessment of its capital needs, and the processes and systems by which that assessment is made, in order to see if the minimum capital resources requirements are appropriate (see GENPRU 1.2 (Adequacy of financial resources), and BIPRU 2.2 (Internal capital adequacy standards) and INSPRU 7.1 (Individual capital assessment)).

2.1.7 G … are set out in GENPRU 1.3 (Valuation) and, for an insurer, INSPRU and, for a BIPRU firm, BIPRU.

2.1.9 R A firm must at all times monitor whether it is complying with GENPRU 2.1.13R (the main capital adequacy rule for insurers) or the main BIPRU firm Pillar 1 rules and be able to demonstrate that it knows at all times whether it is complying with those rules.

2.1.10 G For the purposes of GENPRU 2.1.9R, a firm should have systems in place to enable it to be certain whether it has adequate capital resources to comply with GENPRU 2.1.13R and the main BIPRU firm Pillar 1 rules (as applicable) at all times. This does not necessarily mean that a firm needs to measure the precise amount of its capital resources and its CRR on a daily basis. A firm should, however, be able to demonstrate the adequacy of its capital resources at any particular time if asked to do so by the appropriate regulator FCA.

2.1.11 R A firm must notify the appropriate regulator FCA immediately of any breach, or expected breach, of GENPRU 2.1.13R (in the case of an insurer) or the main BIPRU firm Pillar 1 rules (in the case of a BIPRU firm).
Additional capital requirements

2.1.12 G The appropriate regulator FCA may impose a higher capital requirement than the minimum requirement set out in this section as part of the firm's Part 4A permission (see GENPRU 1.2 (Adequacy of financial resources), and BIPRU 2.2 (Internal capital adequacy standards) and INSPRU 7.1 (Individual capital assessment)).

...

2.2 Capital resources

In each of the following provisions in GENPRU 2.2 (Capital Resources), replace “appropriate regulator” wherever appearing with “FCA”:

2.2.8G (three instances)
2.2.61BR
2.2.61CR (two instances)
2.2.61DR (two instances)
2.2.61ER
2.2.61FR
2.2.61GR (two instances)
2.2.67AG
2.2.68G
2.2.69DG
2.2.69F (eight instances)
2.2.70R
2.2.70AG
2.2.71R
2.2.73G
2.2.74R
2.2.74AG (two instances)
2.2.79AR
2.2.79GR
2.2.79HG (two instances)
2.2.79IR (two instances)
2.2.83BR
2.2.96G
2.2.115A (two instances)
2.2.115CG (four instances)
2.2.117CG
2.2.135R
2.2.136G (two instances)
2.2.164G (two instances)
2.2.171R (two instances)
2.2.174R
2.2.179G
2.2.187G
The new and deleted text is not shown in the text of the GENPRU provisions below.

Application

2.2.1 R This section applies to:

(1) a BIPRU firm; and

(2) an insurer, unless it is:

(a) a non-directive friendly society; or

(b) a Swiss general insurer; or

(c) an EEA deposit insurer; or

(d) an incoming EEA firm; or

(e) an incoming Treaty firm; or

(f) a Solvency II firm.

Table: Arrangement of GENPRU 2.2

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2.2.10 G … Tier one capital is divided into:

(1) in the case of an insurer, core tier one capital, perpetual non-cumulative preference shares and innovative tier one capital; and

(2) in the case of a BIPRU firm, core tier one capital and hybrid capital. Hybrid capital is further divided into the different stages B1, B2 and
C of the calculation in the *capital resources table*.

2.2.14 G Deductions should be made at the relevant stage of the calculation of *capital resources* to reflect capital that may not be available to the *firm* or assets of uncertain value (for example, holdings of intangible assets) and assets that are inadmissible for an *insurer*.

... 2.2.31 G The purpose of the requirements in GENPRU 2.2.29R and GENPRU 2.2.30AR(1) is to ensure that the *firm’s tier one capital resources* includes a minimum proportion of *core tier one capital* which provides the highest quality of capital. Within the 50% limit on non-core *tier one capital*:

(1) GENPRU 2.2.30R places a further sub-limit on the amount of innovative *tier one capital* that an *insurer* may include in its *tier one capital resources*; and [deleted]

(2) GENPRU ...

...

2.2.63 R The categories referred to in GENPRU 2.2.62R(1) are:

...

(5) (in the case of an *insurer*) a perpetual non-cumulative *preference share*; [deleted]

...

(7) (in the case of an *insurer*) an innovative *tier one instrument*; and [deleted]

(8) (in the case of a BIPRU *firm*) *hybrid capital*.

**General conditions for eligibility as tier one capital**

2.2.64 R The conditions that an item of capital of a *firm* must comply with under GENPRU 2.2.62R(2) are as follows:

...

(4) ...

(b) ... an item of capital that is:

(i) in the case of a BIPRU *firm*, core *tier one capital*; and

(ii) in the case of an *insurer*, included in a higher stage of *capital* or the same stage of capital as that first item.
of capital;

…

(6) it is able to absorb losses to allow the firm to continue trading and:

(a) in the case of an insurer, in particular it complies with GENPRU 2.2.80R to GENPRU 2.2.81R (Loss absorption) and, in the case of an innovative tier one instrument, GENPRU 2.2.116R to GENPRU 2.2.118R (Other tier one capital: loss absorption); and [deleted]

(b) in the case of a BIPRU firm, it does not, …

…

(9) it ranks for repayment upon winding up, administration or any other similar process:

(a) in the case of an insurer, no higher than a share of a company incorporated under the Companies Act 2006 (whether or not it is such a share); or [deleted]

(b) in the case of a BIPRU firm, lower than any items of capital that are:

…

(10) the description of its characteristics used in its marketing is consistent with the characteristics required to satisfy (1) to (9) and, where it applies, GENPRU 2.2.271R (Other requirements: insurers carrying on with-profits business (Insurer only)).

…

2.2.70 R A firm may not include a capital instrument in its tier one capital resources, unless its contractual terms are such that:

…

(2) the firm cannot exercise that redemption right:

(a) …; and

(b) …; and

(c) unless at the time of exercise of that right it complies with GENPRU 2.1.13R (the main capital adequacy rule for insurers) or the main BIPRU firm Pillar 1 rules and will continue to do so after redemption;
2.2.71 R A firm may include a term in a tier one instrument allowing the firm to redeem it before the date in GENPRU 2.2.70R(2)(a) if the following conditions are satisfied:

(2) the circumstance that entitles the firm to exercise that right is:

(a) (in the case of an insurer) a change in law or regulation in any relevant jurisdiction or in the interpretation of such law or regulation by any court or authority entitled to do so; and

(b) (in the case of a BIPRU firm) a change in the applicable tax treatment or regulatory classification of those instruments;

(3) (a) (in the case of an insurer) it would be reasonable for the firm to conclude that it is unlikely that that circumstance will occur, judged at the time of issue or, if later, at the time that the term is first included in the terms of the tier one instrument; and

(b) (in the case of a BIPRU firm) the circumstance that entitles the firm to exercise that right was not reasonably foreseeable at the date of issue of the tier one instrument; and

(4) the firm’s right is conditional on it obtaining the appropriate regulator’s consent in the form of a waiver of GENPRU 2.2.72R.

2.2.82 G There are additional loss absorption requirements for (in the case of an insurer) innovative tier one capital and (in the case of a BIPRU firm) hybrid capital in GENPRU 2.2.116AR to GENPRU 2.2.118R (Other tier one capital: loss absorption) and (in the case of a BIPRU firm) for core tier one capital in GENPRU 2.2.83AR(9) to (10) (General conditions for eligibility of capital instruments as core tier one capital (BIPRU firm only)).

2.2.84 G In the case of an insurer, GENPRU 2.2.83R(2) and GENPRU 2.2.83R(3) have the effect that the firm should be under no obligation to make any payment in respect of a tier one instrument if it is to form part of its permanent share capital unless and until the firm is wound up. A tier one instrument that forms part of permanent share capital should not therefore count as a liability before the firm is wound up. The fact that relevant company law permits the firm to make earlier repayment does not mean that the tier one instruments are not eligible. However, the firm should not be
required by any contractual or other obligation arising out of the terms of that capital to repay permanent share capital. Similarly a tier one instrument may still qualify if company law allows dividends to be paid on this capital, provided the firm is not contractually or otherwise obliged to pay them. There should therefore be no fixed costs. [deleted]

... 

2.2.117 G … As tier one capital resources for an insurer should be undated, this will generally only be relevant on a solvent winding up of the firm. …

...

2.2.118 R (1) An insurer may not include an innovative tier one instrument, unless it is a preference share, in its tier one capital resources unless it has obtained a properly reasoned independent legal opinion from an appropriately qualified individual confirming that the criteria in GENPRU 2.2.64R(6) (loss absorption) and GENPRU 2.2.80R to GENPRU 2.2.81R (Loss absorption) are met. [deleted]

(2) …

...

2.2.138 R …

(2) …

(a) … issue by more than:

(i) in the case of a BIPRU firm, 150%; and

(ii) in the case of an insurer, 200%; or

(b) …

...

2.2.143 G (1) The significance of the limitations on conversion in GENPRU 2.2.138R(2) can be seen in the example in this paragraph, which uses the conversion ratio applicable to an insurer.

(2) An insurer A firm issues innovative notes with a par value of £100 each. …

(3) …

(a) … 200% 150% …

(b) … £100* 2 1.5/ £4 = 50 37.5
(4) …

(5) If the market price of the ordinary shares fell by half to 200 pence, the maximum permitted number of shares (§ 37.5) would have to be issued in order to give an investor in the innovative note ordinary shares with a market value equal to £100. …

2.2.144 G (1) In addition to the maximum conversion ratios of 200% for an insurer and 150% for a BIPRU firm, GENPRU 2.2.138R(2)(b) does not permit a firm to issue shares that would have a market value that exceeds the issue price of the instrument being redeemed.

…

2.2.159 G A capital instrument must not form part of the tier two capital resources of a firm unless it meets the following conditions:

…

(10) the description of its characteristics used in its marketing is consistent with the characteristics required to satisfy (1) to (9) and, where it applies, GENPRU 2.2.271R (Other requirements: insurers carrying on with-profits business (Insurer only));

…

2.2.174 G In relation to a tier two instrument, a firm must notify the appropriate regulator:

(1) in the case of an insurer, six Months; and [deleted]

(2) in the case of a BIPRU firm, one Month; [deleted]

FCA one month before it becomes committed …

(3) …

(4) …

…

2.2.245 R Table: Application of tier two capital rules to tier three debt

<table>
<thead>
<tr>
<th>Tier two capital rule</th>
<th>Adjustment</th>
</tr>
</thead>
<tbody>
<tr>
<td>GENPRU 2.2.159R</td>
<td>…</td>
</tr>
<tr>
<td></td>
<td>The reference in GENPRU 2.2.159R(10)</td>
</tr>
</tbody>
</table>
Other requirements: insurers carrying on with-profits business (Insurer only)

2.2.270  R GENPRU 2.2.270R to GENPRU 2.2.275G only apply to an insurer falling within GENPRU 2.2.218. [deleted]

2.2.270A G GENPRU 2.2.271R to GENPRU 2.2.272G and GENPRU 2.2.274G are made by both the PRA and FCA for the purpose of applying these provisions to insurers pursuant to the statutory objectives. [deleted]

2.2.271  R An insurer carrying on with-profits insurance business must, in addition to the other requirements in respect of capital resources elsewhere in GENPRU 2.2, meet the following conditions before a capital instrument can be included in that insurer’s capital resources:

(1) the insurer must manage the with-profits fund so that discretionary benefits under a with-profits insurance contract are calculated and paid disregarding, insofar as is necessary for its customers to be treated fairly, any liability the firm may have to make payments under the capital instrument;

(2) the intention to manage the with-profits fund on the basis set out in (1) must be disclosed in the firm’s Principles and Practices of Financial Management; and

(3) no amounts, whether interest, principal, or other amounts, must be payable by the firm under the capital instrument if the firm’s assets would then be insufficient to enable it to declare and pay under a with-profits insurance contract discretionary benefits that are consistent with the firm’s obligations under the FCA’s Principle 6 (Customers’ interests). [deleted]

2.2.272  G The purpose of GENPRU 2.2.271R is to achieve practical subordination of capital instruments if they are to qualify as capital resources to the liabilities an insurer has to with-profits policyholders, including liabilities which arise from the regulatory duty (as regulated by the FCA) to treat customers fairly in setting discretionary benefits. (FCA’s Principle 6 (Customers’ interests) requires a firm to pay due regard to the interests of its customers and treat them fairly.) It is not sufficient for a capital instrument to be subordinated to such liabilities only on winding up of the firm because such liabilities to policyholders may have been reduced by the inappropriate use of management discretion to enable funds to be applied in repaying
subordinated capital instruments before winding up proceedings commence. [deleted]

2.2.274 G GENPRU 2.2.64R(10) and GENPRU 2.2.159R(10) contain provisions concerning the marketing of a capital instrument. In relation to a firm to which GENPRU 2.2.271R applies, in order to comply with GENPRU 2.2.64R(10) and GENPRU 2.2.159R(10), it should draw to the attention of subscribers the risk that payments may be deferred or cancelled in order to operate the with-profits fund so as to give priority to the payment of discretionary benefits to with-profits policyholders. [deleted]
Annex E

Amendments to the Prudential sourcebook for Insurers (INSPRU)

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

1 Capital resources requirements and technical provisions for insurance business

1.1 Application

⋯

1.1.3 R For a non-EEA insurer with a branch in the United Kingdom whose insurance business in the United Kingdom is not restricted to reinsurance (other than an EEA-deposit insurer, a Swiss general insurer or a UK-deposit insurer): INSPRU 1.1.27R applies separately in respect of its world-wide activities and its activities carried on from a branch in the United Kingdom.

(1) the part of this section headed “Capital requirements for insurers” (INSPRU 1.1.43G to INSPRU 1.1.92BG) applies to its world-wide activities;

(2) The parts of this section headed:

(a) “Establishing technical provisions” (INSPRU 1.1.12R to INSPRU 1.1.19G);

(b) "Reinsurance and analogous non-reinsurance financing agreements: risk transfer principle" (INSPRU 1.1.19AR to INSPRU 1.1.19FG);

(c) "Assets of a value sufficient to cover technical provisions and other liabilities" (INSPRU 1.1.20R to INSPRU 1.1.29G);

(d) "Matching of assets and liabilities" (INSPRU 1.1.34R to INSPRU 1.1.40G); and

(e) “Premiums for new business” (INSPRU 1.1.41R to INSPRU 1.1.42G);

apply in respect of the activities of the firm carried on from a branch in the United Kingdom; and

(3) the part of this section headed "Localisation" (INSPRU 1.1.30R to INSPRU 1.1.33R) does not apply (see INSPRU 1.5 (Internal contagion risk)).

1.1.4 R For an EEA-deposit insurer or a Swiss general insurer: INSPRU 1.1.27R
applies in respect of the activities carried on from a branch in the United Kingdom.

(1) the parts of this section headed:

(a) “Establishing technical provisions” (PRU 1.1.12R to PRU 1.1.19G);

(b) “Reinsurance and analogous non-reinsurance financing agreements: risk transfer principle” (PRU 1.1.19AR to PRU 1.1.19FG);

(c) “Assets of a value sufficient to cover technical provisions and other liabilities” (PRU 1.1.20R to PRU 1.1.29G);

(d) “Matching of assets and liabilities” (PRU 1.1.34R to PRU 1.1.40G); and

(e) “Premiums for new business” (PRU 1.1.41R to PRU 1.1.42G);

apply in respect of the activities of the firm carried on from a branch in the United Kingdom; and

(2) the part of this section headed “Capital requirements for insurers” (PRU 1.1.43G to PRU 1.1.92BG) applies to its world-wide activities;

1.1.5 R For an UK deposit insurer, PRU 1.1.27R applies separately in respect of its world-wide activities and its activities carried on from a branch in the EEA.

(1) the part of this section headed “Capital requirements for insurers” (PRU 1.1.43G to PRU 1.1.92BG) applies to its world-wide activities;

(2) The parts of this section headed:

(a) “Establishing technical provisions” (PRU 1.1.12R to PRU 1.1.19G);

(b) “Reinsurance and analogous non-reinsurance financing agreements: risk transfer principle” (PRU 1.1.19AR to PRU 1.1.19FG);

(c) “Assets of a value sufficient to cover technical provisions and other liabilities” (PRU 1.1.20R to PRU 1.1.29G);

(d) “Matching of assets and liabilities” (PRU 1.1.34R to PRU 1.1.40G); and

(e) “Premiums for new business” (PRU 1.1.41R to PRU
apply in separately in respect of its worldwide activities and its activities carried on from branches in EEA States; and

(3) the part of this section headed "Localisation" (INSPRU 1.1.30R to INSPRU 1.1.33R) does not apply (see INSPRU 1.5 (Internal contagion risk)).

1.1.42G)

1.1.6 G …

[1.1.7 to 1.1.26 not used]

Assets of a value sufficient to cover technical provisions and other liabilities

1.1.27 R …

1.1.29 G INSPRU 1.1.27R and INSPRU 1.1.28R support the funding of policyholder benefits by requiring firms to maintain admissible assets in with-profits funds to cover the technical provisions and other long-term insurance liabilities relating to all the business in that fund. [deleted]

The brought forward amount

Insurance-related capital requirement

1.1.73 [intentionally blank]

…

1.2 Mathematical reserves

…

1.2.6A G A number of rules in this section are made by the FCA and the PRA. Some of the rules made by the FCA and PRA contain references to, or are reliant on, rules that are only made by the PRA. Firms should consider GEN 2.2.13AR (cross-references in the Handbook) and GEN 2.2.23R to GEN 2.2.25G (cutover: application of provisions made by both the FCA and the PRA) when applying these rules. In the context of mathematical reserves, the FCA rules ensure a firm takes into account its regulatory duty to treat customers fairly. Where an FCA rule refers to a PRA rule, GEN 2.2.13AR and GEN 2.2.23R will apply so that the PRA rule is also made by the FCA to the extent necessary to make the FCA rule function but only to the extent of the FCA's powers and regulatory responsibilities.

[1.2.7 to 1.2.9 not used]

Methods and assumptions

1.2.10 R In the actuarial valuation under INSPRU 1.2.7 R PRA Rulebook: Non Solvency II firms: Insurance Company – Mathematical Reserves, 2.1, a firm
must use methods and prudent assumptions which:

(3) are consistent with the method of valuing assets (see GENPRU 1.3) (see PRA Rulebook: Non-Solvency II firms: Insurance Company – Overall Resources and Valuation, 3);

(4) include appropriate margins for adverse deviation of relevant factors (see INSPRU 1.2.12 G);

Cash flows to be valued

1.2.28 R In a prospective valuation, a firm must:

(1) include in the cash flows to be valued the following:

(a) future premiums (see INSPRU 1.2.35 G to INSPRU 1.2.47 G);

(b) expenses, including commissions (see INSPRU 1.2.50 R to INSPRU 1.2.58 G);

(c) benefits payable (see INSPRU 1.2.29 R); and

(d) subject to (2), amounts to be received or paid in respect of the long-term insurance contracts under contracts of reinsurance or analogous non-reinsurance financing agreements (see INSPRU 1.2.77 AR to INSPRU 1.2.89 G); but

(2) ...
such a waiver are set out in INSPRU 1.6.13G to INSPRU 1.6.18G.

... 

1.2.30 G ... Cash flows may be omitted from the valuation calculations provided the reserves obtained as a result of leaving those cash flows out of the calculation are not less than would have resulted had all cash flows been included (see INSPRU 1.2.22R(2)(b)(2)). Provision for future expenses in respect of with-profits insurance contracts (excluding accumulating with-profits policies) may be made implicitly, using the net premium method of valuation (see INSPRU 1.2.43R below). For the purposes of INSPRU 1.2.28R(1)(b)3, any charges included in expenses should be determined in accordance with the firm’s regulatory duty to treat its customers fairly.

1.2.31 G INSPRU 1.2.29R(4) requires regulatory basis only life firms firms to make allowance for any future annual bonus that a firm would expect to grant, assuming future experience is in line with the assumptions used in the calculation of the mathematical reserves. final bonuses Final bonuses do not have to be taken into consideration in these calculations except in relation to accumulating with-profits policies (see INSPRU 1.2.9R). The calculations required for accumulating with-profits policies are set out in INSPRU 1.2.71R(1).

[1.2.32 to 1.2.58 not used].

... 

1.2.60 G The rates of mortality or morbidity should contain prudent margins for adverse deviation (see INSPRU 1.2.13R to INSPRU 1.2.19G). In setting those rates, a firm should take account of:

... 

... 

1.2.66 G In accordance with INSPRU 1.2.7R and INSPRU 1.2.13R, take-up Take-up rates for guaranteed annuity options should be assessed on a prudent basis with assumptions that include margins for adverse deviation (see INSPRU 1.2.13R to INSPRU 1.2.19G) that take account of current experience and the potential for future change. ...

... 

1.2.70 R (1) Where a policyholder may opt to be paid a cash amount, or a series of cash payments, the mathematical reserves for the contract of insurance established under INSPRU 1.2.7R must be sufficient to ensure that the payment or payments could be made solely from:
Persistency assumptions

1.2.73 [intentionally blank]

1.2.74 [intentionally blank]

1.2.75 [intentionally blank]

[1.2.73 to 1.2.85 not used]

Reinsurance

1.2.86 R For the purposes of \textit{INSPRU 1.2.79R}(2) and \textit{INSPRU 1.2.85R}, future surplus may only be offset …

[1.3 and 1.4 not used.]

1.5 Internal-contagion risk

Application

1.5.1 R \textit{INSPRU 1.5} applies to an insurer.

1.5.2A R \textit{INSPRU 1.5} does not apply, to the extent stated, to \textit{INSPRU 1.5} applies to an insurer except any insurer in (1) to (3):

1.5.1

...

1.5.3 G The scope of application of \textit{INSPRU 1.5} is not restricted to firms that are subject to the relevant EU directives. [deleted]

[1.5.2 to 1.5.3 not used]

1.5.8 G This section sets out requirements for a firm relating to 'internal-contagion risk'. This is the risk that losses or liabilities from one activity might deplete or divert financial resources held to meet liabilities from another activity. It arises where the two activities are carried on within the same firm. It may also arise from the combination of activities within the same group, but this aspect of internal-contagion risk falls outside the scope of this section. Requirements relevant to group-contagion risk are set out in \textit{INSPRU 6}. 

...
1.5.18 R A firm carrying on long-term insurance business must identify the assets relating to its long-term insurance business which it is required to hold by virtue of the requirements in the Non Solvency II firms: Insurance Company – Technical Provisions and Non-Solvency II firms: Insurance Company – Mathematical Reserves parts of the PRA Rulebook.:

(1) in the case of a pure reinsurer:

   (a) INSPRU 1.1.20R or INSPRU 1.1.21R; and
   
   (b) INSPRU 3.1.61AR; and

(2) in any other case:

   (a) INSPRU 1.1.20R or INSPRU 1.1.21R; and
   
   (b) INSPRU 3.1.57R and INSPRU 3.1.58R.

1.5.19 G (1) INSPRU 1.1.16R requires a firm to establish adequate technical provisions for its long-term insurance contracts. INSPRU 1.1.20R requires a firm which is not a composite firm to hold admissible assets of a value at least equal to the amount of the technical provisions and its other long-term insurance liabilities. INSPRU 1.1.21R ensures that a composite firm identifies separate admissible assets with a value at least equal to the technical provisions for long-term insurance business and its other long-term insurance liabilities as well as holding other admissible assets of a value at least equal to the amount of its technical provisions for general insurance business and its other general insurance liabilities.

(2) In the case of a firm carrying on long-term insurance business which is not a pure reinsurer, there are excluded from the scope of INSPRU 1.1.20R and INSPRU 1.1.21R property-linked liabilities and index-linked liabilities and the assets held to cover them under INSPRU 3.1.57R and INSPRU 3.1.58R. The latter two rules do not apply to a pure reinsurer (see INSPRU 3.1.58AR). However, a pure reinsurer is required by INSPRU 3.1.61AR to invest all its assets in accordance with the requirements of that rule.

(3) The overall impact of these provisions in INSPRU 1.1 and INSPRU 3.1, the requirements in the PRA Rulebook to hold admissible assets of a value at least equal to the amount of technical provisions, when read together with INSPRU 1.5.18R, is that any firm writing long-term insurance business must identify separately assets of a value at least equal to the amount of its long-term insurance business technical provisions, including those in respect of any property-linked liabilities or index-linked liabilities, and its other long-term insurance liabilities.

…

1.5.26 G … When considering merging the funds, the firm should consider the impact on its PPFM (see COBS 20.3) and on its obligations to notify the appropriate regulator FCA (see SUP 15.3). …
1.5.28 G … However, even where the investigation is still in-date, the firm should not make the transfer unless there is sufficient surplus at the time of the transfer to allow it to be made without breach of INSPRU 1.1.20R or INSPRU 1.1.21R of the requirements in PRA Handbook: Rulebook: Non Solvency II firms: Insurance Company – Technical Provisions.

1.5.29 G INSPRU 1.1.27R and INSPRU 1.1.28R provide further constraints on the transfer of assets out of a with-profits fund. …

3.1 Market risk in insurance

Purpose

3.1.7 G INSPRU 3.1 addresses the impact of market risk on insurance business in the ways set out below:

(1) Any firm that carries on long-term insurance business which is a regulatory basis only life firm must comply with the resilience capital requirement. This requires the firm is required to hold capital to cover market risk. The resilience capital requirement is dealt with in INSPRU 3.1.9G to INSPRU 3.1.26R. INSPRU 3.1.26R makes particular provision for assets invested outside the UK.

(2) For a firm that carries on long-term insurance business, the assets that it must hold must be of a value sufficient to cover the firm’s technical provisions and other long-term insurance liabilities. INSPRU 1.2 contains rules and guidance as to the methods and assumptions to be used in calculating the mathematical reserves. One of these assumptions is the assumed rate of interest to be used in calculating the present value of future payments by or to a firm. INSPRU 3.1.28R to INSPRU 3.1.48G set out the methodology to be used in relation to long-term insurance liabilities.

(3) Firms carrying on either long-term insurance business or general insurance business are also subject to currency risk. That is, the risk that fluctuations in exchange rates may impact adversely on a firm. INSPRU 3.1.49G to INSPRU 3.1.56G set out the requirements a firm must meet so as to cover this risk.

(4) For a firm carrying on general insurance business, the Enhanced Capital Requirement already captures some elements of market risk. In addition, the requirements as to the assumed rate of interest used in calculating the present value of general insurance liabilities are contained in the insurance accounts rules, and these requirements are outlined in INSPRU 3.1.27G.
Firms carrying on long-term insurance business that have property-linked liabilities or index-linked liabilities must cover these liabilities by holding appropriate assets. INSPRU 3.1.57R and INSPRU 3.1.58R set out these cover requirements.

INSPRU 3.1.61AR(1) applies to pure reinsurers "prudent person" investment principles in relation to the investment of their assets.

Resilience capital requirement (only applicable to the long-term insurance business of regulatory basis only life firms)

3.1.14 [intentionally blank]

Market risk scenario for assets invested outside the United Kingdom

3.1.26 R Where the assets of a firm invested in a significant territory of a kind referred to in INSPRU 3.1.23R(1), INSPRU 3.1.23R(2) or INSPRU 3.1.23R(3)(a) for the purposes of PRA Rulebook: Non-Solvency II firms: Capital Resources Requirements, 20.10, represent less than 0.5% of the firm's long-term insurance assets (excluding assets held to cover index-linked liabilities or property-linked liabilities), measured by market value, the firm may assume for those assets the market risk scenario for assets of that kind invested in the United Kingdom set out in PRA Rulebook: Non-Solvency II firms: Capital Resources Requirements, 20.10 INSPRU 3.1.16R instead of the other market risk scenarios set out in INSPRU 3.1.23R that provision.

...
3.2 Derivatives in insurance

Application

3.2.1 R …

3.2.2 G The scope of application of INSPRU 3.2 is not restricted to firms that are subject to the relevant EU4 directives. [deleted]

…

3.2.3A G References in this section to GENPRU are to GENPRU in the PRA Handbook. [deleted]

Purpose

3.2.4 G GENPRU 2.2.17R requires a firm to calculate its capital resources for the purpose of GENPRU in accordance with the capital resources table, subject to the limits in GENPRU 2.2.32R to GENPRU 2.2.41R. The capital resources table and GENPRU 2.2.251R require a firm to deduct from total capital resources the value of any asset included in an insurance fund which is not an admissible asset as listed in GENPRU 2 Annex 7. GENPRU 2 Annex 7 PRA Rulebook: Non-Solvency II firms: Insurance Company – Capital Resources 13 provides that a derivative, quasi-derivative or stock lending transaction will only be an admissible asset if it is approved. This section sets out the criteria for determining when a derivative, quasi-derivative or stock lending transaction is approved for this purpose. INSIPR 3.2.5R to INSIPR 3.2.35R set out the criteria for derivatives and quasi-derivatives. INSIPR 3.2.36R to INSIPR 3.2.41R set out the criteria for stock lending transactions.

Derivatives and quasi-derivatives

3.2.5 R For the purpose of GENPRU 2 Annex 7 PRA Rulebook: Non-Solvency II firms: Insurance Company – Capital Resources 13 (Admissible assets in insurance), …

…

3.2.5A G (1) GENPRU 2 Annex 7 R (3) PRA Rulebook: Non-Solvency II firms: Insurance Company – Capital Resources 13.3 requires firms … notwithstanding that it is also capable of falling within one or more other categories in GENPRU 2 Annex 7R(4) PRA Rulebook: Non-Solvency II firms: Insurance Company – Capital Resources 13.1 …

…
3.2.11 G Firms are reminded that INSPRU 2.1 (Credit risk in insurance) sets out the different types of loss mitigation techniques. [deleted]

Investment risk

3.2.12 R For the purposes of INSPRU 3.2.8R, investment risk is the risk that the assets held by a firm:

(1) (where they are admissible assets held by the firm to cover its technical provisions) might not be:

(a) of a value at least equal to the amount of those technical provisions as required by INSPRU 1.1.20R PRA Rulebook: Non-Solvency II firms: Insurance Company – Technical Provisions, 4; or

(b) of appropriate safety, yield and marketability as required by INSPRU 1.1.34R(1)(a) PRA Rulebook: Non-Solvency II firms: Insurance Company – Technical Provisions, 6.2(1); or

(c) of an appropriate currency match as required by INSPRU 3.1.53R PRA Rulebook: Non-Solvency II firms: Insurance Company – Risk Management, 3.2;

...

(3) (where they are held to cover property-linked liabilities) might not be appropriately selected in accordance with contractual and constructive liabilities as required by INSPRU 1.5.36R and appropriate cover for those liabilities as required by INSPRU 3.1.57R PRA Rulebook: Non-Solvency II firms: Insurance Company – Risk Management, in particular the definition of ‘investment risk’.

...

3.2.17 R An obligation to pay a monetary amount (whether or not falling in INSPRU 3.2.16R) is covered if:

...

(3) a provision at least equal to the value of the assets in (1) is implicitly or explicitly set up. A provision is implicitly set up to the extent that the obligation to pay the monetary amount is recognised under GENPRU 1.3 (Valuation) PRA Rulebook: Non Solvency II firms: Insurance Company – Overall Resources and Valuation, in particular chapters 3-7, either by offset against an asset or as a separate liability. A provision is explicitly set up if it is in addition to an implicit provision.
3.2.34 R … taking into account any valuation adjustments or reserves established by the firm under GENPRU 1.3.29R to GENPRU 1.3.34R PRA Rulebook: Non-Solvency II firms: Insurance Company – Overall Resources and Valuation, in particular chapter 7.

…

3.2.35 R For the purpose of INSPRU 3.2.5R(3)(b), …:

(1) … in compliance with GENPRU 1.3.4R PRA Rulebook: Non-Solvency II firms: Insurance Company – Overall Resources and Valuation, 3.1; and

…

3.2.35A G The purpose of INSPRU 3.2.34R and INSPRU 3.2.35R is to ensure the appropriate application of GENPRU 1.3 PRA Rulebook: Non-Solvency II firms: Insurance Company – Overall Resources and Valuation, to derivatives and quasi-derivatives effected or issued off-market with an approved counterparty.

Stock lending

3.2.36 R (1) For the purposes of GENPRU 2 Annex 7 PRA Rulebook: Non-Solvency II firms: Insurance Company – Capital Resources 13 (Admissible assets in insurance), a stock lending transaction (including a repo transaction) is approved if:

…

(b)

…

(iv) the Office of Thrift Supervision; and

…

…

3.2.36A R …

…

(b)

…

(iv) the Office of Thrift Supervision; and
3.2.38A R …

(b)

(iii) the Board of Governors of the Federal Reserve System; and

(iv) the Office of Thrift Supervision.

3.2.39 G For the purposes of assessing adequate quality in INSPRU 3.2.38R(3), reference should be made to the criteria for credit risk loss mitigation set out in INSPRU 2.1.16R. The valuation rules in GENPRU 1.3 PRA Rulebook: Non-Solvency II firms: Insurance Company – Overall Resources and Valuation apply for the purpose of determining the value of both collateral received, and the securities transferred, by the firm. In addition, where collateral takes the form of assets transferred, under the rules in GENPRU the PRA Rulebook: Non-Solvency II firms: Insurance Company – Capital Resources 13 any such asset that is not an admissible asset (see GENPRU 2 Annex 7) does not have a value.

3.2.42 G References in INSPRU 3.2.40R(2) and INSPRU 3.2.41R to the close of business on the day of the transfer or the day of expiry are to close of business on that day in all time regions.

7 Individual Capital Assessment

7.1 Application

7.1.3A G A firm should refer to GEN 2.2.23R to GEN 2.2.25G (cutover: application of provisions made by both the FCA and the PRA) when applying the rules and guidance in INSPRU 7. In particular:

1. INSPRU 7.1.16G to 7.1.18G and INSPRU 7.1.20G are made by the FCA for the purpose of applying this guidance to insurers pursuant to the statutory objectives; and

2. Certain The rules and guidance in INSPRU 7.1 are also made by the
FCA solely for the purpose of their application to dormant account fund operators. These provisions are INSPRU 7.1.4G to 7.1.21G, INSPRU 7.1.25G to 7.1.27G, INSPRU 7.1.29G to 7.1.73G and 7.1.91G?7.1.99 G.

7.1.3B G References in this chapter to GENPRU, INSPRU, and connected terms, are to the provisions in force as at 31 December 2015. References in this chapter to the appropriate regulator are to the FCA.
Annex F

Amendments to the Interim Prudential sourcebook for Friendly Societies
(IPRU(FSOC))

In this Annex, underlining indicates new text and striking through indicates deleted text.

GUIDANCE: …

…

2 So far as a friendly society is concerned, the Principles for Businesses are particularly relevant to its internal systems and controls. Principle 3, for example, requires a firm to take reasonable care to organise and control its affairs responsibly and effectively, with adequate risk management systems. Principle 4 requires a firm to maintain adequate financial resources.

3 In addition to the general obligations placed on a friendly society, certain staff of all authorised persons which are approved persons are subject to a number of high level obligations, referred to as Statements of Principle. The FCA has issued a Code of Practice to help determine whether an approved person’s conduct has complied with a Statement of Principle. The Statements and the Code are set out in the High Level Standards part of the Handbook (APER) see COCON and in certain cases APER.

4 One of the features of a contract of insurance is the long period of risk the contract may cover. The prudential rules for friendly societies seek to protect the policyholder against the risk that a friendly society will fail to meet a valid claim as it falls due.

…

8 The rules in Chapter 4 set out the required margins of solvency for a friendly society having regard to the type of its business.

9 The extent to which an asset may be taken into account for prudential purposes, and the method of valuing it, is determined in accordance with the rules in the Appendices. It is a fundamental part of the approach to prudential regulation for friendly societies that the rules limit the assets which are ‘admissible’ for solvency purposes and specify the methods of valuation. Similarly, the amount of a liability is determined in accordance with the rules in the Appendices.

11 As part of the continuing supervision of a friendly society, the rules in Chapter 5 require the friendly society to prepare certain accounts and statements in accordance with the rules and deposit them with the PRA.

[4, 5 and 8-11 are not used]

…

15. FCA Guidance is set out in the Annexes and friendly societies may also wish to refer to the guidance in IPRU(INS), GENPRU and INSPRU.

CONTENTS
Chapter 4

1. Margins of solvency
2. …
3. [deleted]
4. [deleted]
5. …
6. Linked long-term contracts
7. Liquidity

Chapter 5
Prudential reporting

Chapter 6
[deleted]

List of Appendices

Appendix 1 Long-term insurance business: margin of solvency
Appendix 2 General insurance business solvency margin
Appendix 3 [deleted]
Appendix 4 Asset valuation rules
   Annex A: [deleted]
   Annex B: Assets to be take into account only to a specified event.
Appendix 5 Liability valuation rules
Appendix 6 Balance sheet
Appendix 7 General insurance business: revenue account, other revenue account and additional information
Appendix 8 Long-term insurance business: revenue account and additional information
Appendix 9 Abstract of actuarial investigation
Appendix 10 Prudential reporting forms

List of Annexes

Annex 4 Guidance on margins of solvency and the guarantee fund
Annex 5 Guidance on exemption from triennial valuation
Attachment—Proforma Application

1.1A
... 

**Restriction of business to insurance**

... 

3.1 ... 

(6) 

(b) ... appropriate regulator FCA ... 

... 

4.11 Except for rule 4.24, which applies to all friendly societies, the remaining 

The rules in this chapter do not apply to registered friendly societies. 

4.12 ... 

(2) ... 

(b) ... reference value ... is based [footnote:] 6 See paragraph 2 of Guidance 

Note 4.4 IPRU (INS). 

Chapter 8: Transitional provisions 

... 

**Table 1**

<table>
<thead>
<tr>
<th>(1)</th>
<th>(2)</th>
<th>(3)</th>
<th>(4)</th>
<th>(5)</th>
<th>(6)</th>
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<td></td>
<td><strong>Material to which the transitional provision applies</strong></td>
<td><strong>Transitional provision</strong></td>
<td><strong>Transitional provision: Dates in force</strong></td>
<td><strong>Handbook provision: coming into force</strong></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>IPRU (FSOC) Rule 5.1A</td>
<td>R</td>
<td>(1) This paragraph and Table 2 below apply to a directive friendly society. (2) IPRU (FSOC) rule 5.1A is modified so that a directive friendly society must comply with IPRU (INS) rule 9.6(1) varied as set</td>
<td>From 31 December 2004 to 30 December 2007</td>
<td>31 December 2004</td>
</tr>
<tr>
<td></td>
<td><strong>IPRU (FSOC) rules 4.21, 4.22, 7.1 (Definitions), Appendix 3 paragraphs 9 and 12</strong></td>
<td><strong>R</strong></td>
<td><strong>For the period given in column (5), for the purposes of the rules specified in column (2), a directive friendly society must apply the definition of permitted derivative contract as it takes effect in relation to a non-directive incorporated friendly society.</strong></td>
<td><strong>31 December 2004 to 30 December 2005</strong></td>
<td><strong>31 December 2004</strong></td>
</tr>
<tr>
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</tr>
<tr>
<td>4</td>
<td></td>
<td>R</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td><strong>IPRU (FSOC) rules 4.21, 4.22, 7.1 (Definitions), Appendix 3 paragraphs 9 and 12</strong></td>
<td><strong>R</strong></td>
<td>(1) This paragraph applies to a contract concluded on or before 30 December 2005 which satisfies the definition of permitted derivative contract as it takes effect in relation to a non-directive incorporated friendly society. (2) In relation to a</td>
<td><strong>31 December 2004 until the relevant rule is revoked</strong></td>
<td><strong>31 December 2004</strong></td>
</tr>
</tbody>
</table>
contract to which this paragraph applies, for the purposes of the rules specified in column (2), a directive friendly society may continue to apply the definition of permitted derivative contract as it takes effect in relation to a non-directive incorporated friendly society.

Table 2
This Table belongs to IPRU (FSOC) Chapter 8, Table 1, paragraph 3

<table>
<thead>
<tr>
<th>Financial year ending on or after</th>
<th>Where the deposit is made electronically</th>
<th>Otherwise</th>
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<td>6-months</td>
<td>6-months</td>
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<tr>
<td>31 December 2005</td>
<td>6-months</td>
<td>6-months</td>
</tr>
<tr>
<td>31 December 2006</td>
<td>4-months</td>
<td>3-months and 15-days</td>
</tr>
<tr>
<td>31 December 2007</td>
<td>3-months</td>
<td>2-months and 15-days</td>
</tr>
</tbody>
</table>
Annex G

Amendments to the Interim Prudential sourcebook for Insurers (IPRU(INS))

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

———Interim Prudential Sourcebook

Insurers (IPRU (INS))

IPRU (INS) comprises four chapters: Chapter 1 Application rule, Chapter 3 Long-term insurance business, Chapter 8 Non-UK insurers and Chapter 11 Definitions.

———Volume One

———Rules

THE INTERIM PRUDENTIAL SOURCEBOOK FOR INSURERS INSTRUMENT 2001

INTRODUCTION

1——The FSA makes the rules and guidance in this instrument on 21 June 2001.

2——[deleted]

3——This instrument will come into force at the beginning of the day on which section 19 of the Act (the general prohibition) comes into force.

4——This instrument is to be interpreted in accordance with, and applies subject to, the general provisions contained in the General Provisions Instrument 2001.

5——This instrument may be cited as the Interim Prudential Sourcebook for Insurers Instrument 2001.

6——This instrument, excluding the provisions in this Introduction, may be cited as the Interim Prudential Sourcebook for Insurers.

By Order of the Board

21 June 2001
INTERIM PRUDENTIAL SOURCEBOOK FOR INSURERS

GUIDANCE

THE PURPOSE OF THE PRUDENTIAL RULES FOR INSURERS AND AN OVERALL DESCRIPTION

— [deleted text]

INTERIM PRUDENTIAL SOURCEBOOK FOR INSURERS

CONTENTS

Volume One: Rules

Guidance [deleted]

Chapter 1 Application rule

Chapter 2 [deleted]

Chapter 3 Long-term insurance business

Part I Identification and application of assets

Part II [deleted]

Chapter 4 [deleted]

Chapter 5 [deleted]

Chapter 6 [deleted]

Chapter 7 [deleted]

Chapter 8 Non-UK insurers

Part I [deleted]

Part I [deleted]

Part III [deleted]

Chapter 9 Financial Reporting

Part I Accounts and statements

Part I Accounts and statements for a marine mutual

Part III Statistical rules

Part IV Material connected-party transactions
Part V [deleted]

Part VII [deleted]

Chapter 9  Financial Reporting

Part I Accounts and statements

Part I Accounts and statements for a marine mutual

Part II Statistical rules

Part IV Material connected-party transactions

Part V Group Capital Adequacy

Part VI Enhanced Capital Requirement

Part VII Lloyds of London

Chapter 10  [deleted]

Chapter 11  Definitions

Part I Definitions

Part I General Provisions

Annex 11.1 Classes of long-term insurance business

Annex 11.2 Classes, and groups of classes, of general insurance business

Annex 11.3 Descriptions of PRA general insurance business reporting categories

Chapter 12  Transitional arrangements

The whole of the next sections Volume 2 and Volume 3 are deleted in their entirety. The deletions are not shown.

Volume 2: Appendices to the Rules

Volume 3: Guidance

1. Chapter 1: Application Rule

   CONTENTS
Application

1.1 Insurers

1.2 [deleted]

...

3. Chapter 3: Long Term Insurance Business

CONTENTS

Part I—Identification and Application of Assets and Liabilities

3.3 Allocations to policy holders

3.5 Arrangements to avoid unfairness between separate insurance funds

...

8. Chapter 8: Non-UK Insurers

CONTENTS

Part III—Rules applicable to branches

8.3


...
Annex H

Amendments to the Conduct of Business sourcebook (COBS)

In this Annex, underlining indicates new text and striking through indicates deleted text.

20.1A The with-profits fund

…

20.1A.13 R A Solvency II firm other than a non-directive friendly society, which is subject to contractual terms providing for payments under a capital instrument included in that insurer's own funds, must:

…

20.1A.14 G (1) A Solvency II firm, other than a non-directive friendly society, is expected to manage its with-profits fund so that amounts (whether interest, principal, or other outgoings) payable by the firm under a capital instrument included in that insurer's own funds (as determined in accordance with the PRA Rulebook: Solvency II Firms: Own Funds or Non-Solvency II firms: Insurance Company – Capital Resources) do not impact …

…

21.2 Rules for firms engaged in linked long-term insurance business

…

21.2.8 R … or of the PRA Rulebook: Solvency II Firms: Investments or the PRA Rulebook: Non-Solvency II firm sector to the extent applicable to linked long-term contracts of insurance.

21.2.9 G … the appropriate regulator FCA will have regard to the extent to which the relevant circumstances are exceptional and temporary …

21.3 Further rules for firms engaged in linked long-term insurance business

…

21.3.2 G …

(2) In the appropriate regulator's FCA's view the Consumer Prices Index, as well as the Retail Prices Index, is a national index of retail prices and so may be used as an approved index for the purposes of
Cobs 21.3.1R(1).

21.3.11 R (1) …

(iv)

(A) the Office of the Comptroller of the Currency [deleted];

(B) the Federal Deposit Insurance Corporation;

21.3.14 G Firms Solvency II firms are also required to comply with the PRA Rulebook: Solvency II Firms …
Annex I

Amendments to the Supervision manual (SUP)

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

SUP 2.3 Information gathering by the appropriate regulator FCA on its own initiative: cooperation by firms

In each of the following provisions in SUP 2.3 (Information gathering by the appropriate regulator on its own initiative: cooperation by firms), replace “appropriate regulator” wherever appearing with “FCA”:

2.3.1G (ten instances);
2.3.2G (three instances);
2.3.3G (eight instances);
2.3.4G, 2.3.5R (three instances);
2.3.6G, 2.3.7R;
2.3.8G;
2.3.9G (five instances);
2.3.10G (two instances);
2.3.11G (three instances).

Amend the following as shown.

...

4.1.2 G This chapter applies to long-term insurers (including friendly societies) and other friendly societies and to the Society of Lloyd's and managing agents at Lloyd's. This chapter does not apply to actuaries advising the auditors of long-term insurers under IPRU(INS) 9.35(1A) or IPRU(FSOC) 5.11(2A), as they are not appointed to act on behalf of the firm.

...

4.2 Purpose

4.2.1 G Section 340 of the Act gives the PRA power to make rules requiring an authorised person, or an authorised person falling into a specified class, to appoint an actuary. Section 340 further empowers the PRA to make rules governing the manner, timing and notification of such an appointment and, where an appointment is not made, for the PRA to make an appointment on the firm's behalf. The PRA has exercised its power to make such rules in PRA Rulebook: Solvency II firms: Actuaries; and PRA Rulebook: Non-Solvency II firms: Actuarial Requirements. The rule-making powers of the PRA and FCA under section 340 of the Act also extend to an actuary's duties.
4.3 Appointment of actuaries

Appointment by firms

4.3.2 G The provisions relating to the duties of an actuary appointed to perform these functions are set out in SUP 4.3.13R to SUP 4.3.18G. For Solvency II firms, the actuarial function is set out in rule 6.1 of the PRA Rulebook: Solvency II firms: Conditions Governing Business and the rule of an external actuary set out in the PRA Rulebook: Solvency II Firms: Actuaries. The functions performed by actuaries appointed by a firm under SUP 4.3.1R are specified as controlled functions (CF 12, the actuarial function, and CF 12A, the with-profits actuary function) in SUP 10B (PRA-Approved persons). For Solvency II firms the functions required to be controlled functions are set out in PRA Rulebook: Solvency II firms: Insurance – Senior Insurance Management Functions. As a result, an application must be made to the PRA under section 60 of the Act (Applications for approval) for approval by the PRA with the consent of the FCA of the person proposing to take up such an appointment. Section 61(3) of the Act (Determination of applications) gives the PRA three months to grant its approval or give a warning notice that it proposes to refuse the application. A firm should not appoint an actuary until the PRA with the consent of the FCA has approved the actuary. In order to comply with SUP 4.3.1R, a firm should ensure it applies to the PRA as soon as practicable before the date when it needs the actuary to take office. The PRA will need time to consider the application before deciding whether to grant approval. See SUP 10B (PRA-Approved persons), [deleted]

Actuaries’ qualifications

4.3.8 G The appropriate regulator FCA is concerned to ensure that every actuary appointed by a firm under this section PRA rules made under section 340 of the Act or for the purposes of PRA Rulebook: Solvency II firms: Conditions Governing Business, 6, has the necessary skill and experience to provide the firm with appropriate actuarial advice from a conduct perspective. SUP 4.3.9R to SUP 4.3.10G set out the appropriate regulator’s FCA’s rules and guidance aimed at achieving this.

4.3.9 R Before a firm applies for approval of the person it proposes to appoint as an actuary under SUP 4.3.1R PRA rules made under section 340 of the Act, or for the purposes of PRA Rulebook: Solvency II firms: Conditions Governing Business, 6, it must take reasonable steps to ensure that the actuary:

...
Solvency II firms: Conditions Governing Business, or in accordance with the PRA Rulebook: Solvency II Firms: Actuaries an actuary who is disqualified by the FCA under section 345 of the Act (Disciplinary measures: FCA) or the PRA under section 345A of the Act (Disciplinary measures: PRA) from acting as an actuary either for that firm or for a relevant class of firm.

4.3.12 G If it appears to the FCA or PRA that an actuary has failed to comply with a duty imposed on him under the Act, it may disqualify him under section 345 or 345A respectively of the Act. A list of actuaries who are disqualified may be found on the FCA website (http://www.fca.org.uk).

Conflicts of interest

4.3.12A R A firm must take reasonable steps to ensure that an actuary who is to be, or has been, appointed under SUP 4.3.1R or rule 6.1 of the PRA Rulebook: Solvency II firms: Conditions Governing Business, or in accordance with the PRA Rulebook: Solvency II Firms: Actuaries PRA rules made under section 340 of the Act, or for the purposes of PRA Rulebook: Solvency II firms: Conditions Governing Business, 6:

…

…

4.3.13 R An actuary appointed to perform the actuarial function must, in respect of those classes of the firm’s long-term insurance business which are covered by his appointment:

…

(3) advise the firm's governing body on the methods and assumptions to be used for the investigations actuarial investigations and reports of the appropriate actuary required by IPRU(INS) 9.4R or IPRU(FSOC) 5.1R and the calculation of the with-profits insurance capital component under INSPRU 1.3 as applicable the PRA Rulebook;

…

4.3.14 G IPRU(INS) 9.4R and IPRU(FSOC) 5.1R require The PRA Rulebook requires firms to which this section applies to cause an investigation to be made at least yearly by the actuary or actuaries appointed to perform the actuarial function, and to report on the result of that investigation. …

…

4.4 Appropriate actuaries

…
4.4.5 If it appears to the FCA or PRA that an appropriate actuary has failed to comply with a duty imposed on him under the Act, it may have the power to and may disqualify him under section 345 or 345A respectively of the Act. A list of actuaries who have been disqualified may be found on the FCA website (http://www.fca.org.uk).

Specific duties of the appropriate actuary

4.4.6 An appropriate actuary must carry out the triennial investigation and prepare an abstract of the report as required by IPRU(FSOC) 5.2(2) and provide the interim certificate or statement as required by IPRU(FSOC) 5.2(3) the PRA Rulebook.

4.5 Provisions applicable to all actuaries

Objectivity

4.5.1 An actuary appointed under this chapter or the PRA Rulebook: Solvency II firms sector PRA rules made under section 340 of the Act, or for the purposes of PRA Rulebook: Solvency II firms: Conditions Governing Business, 6, must be objective in performing his duties.

...

4.5.3 An actuary appointed under this chapter or the PRA Rulebook: Solvency II firms PRA rules made under section 340 of the Act, or for the purposes of PRA Rulebook: Solvency II firms: Conditions Governing Business, 6, must take reasonable steps to satisfy himself that he is free from bias, or from any conflict of interest from which bias may reasonably be inferred. He must take appropriate action where this is not the case.

...

4.5.7 (1) Actuaries appointed under this chapter or the PRA Rulebook: Solvency II firms PRA rules made under section 340 of the Act, or for the purposes of PRA Rulebook: Solvency II firms: Conditions Governing Business, 6, are subject to regulations made by the Treasury under sections 342(5) and 343(5) of the Act (Information given by auditor or actuary to a regulator). Section 343 and the regulations also apply to an actuary of an authorised person in his capacity as an actuary of a person with close links with the authorised person.

...

Termination of term of office

4.5.8 SUP 4.5.9R to SUP 4.5.11G apply to a person who is or has been an actuary appointed under this chapter or the PRA Rulebook: Solvency II

4.5.9 R An actuary appointed under this chapter or the PRA Rulebook: Solvency II firms PRA rules made under section 340 of the Act, or for the purposes of PRA Rulebook: Solvency II firms: Conditions Governing Business, 6 must notify the appropriate regulator without delay if he:

...

4.5.10 R An actuary who has ceased to be appointed under this chapter or the PRA Rulebook: Solvency II firms, PRA rules made under section 340 of the Act, or for the purposes of PRA Rulebook: Solvency II firms: Conditions Governing Business, 6 ...

...

4.5.13 R When carrying out his duties, an actuary appointed under this chapter or the PRA Rulebook: Solvency II firms PRA rules made under section 340 of the Act, or for the purposes of PRA Rulebook: Solvency II firms: Conditions Governing Business, 6, must pay due regard to generally accepted actuarial practice.

...

10A.14 Changes to an FCA-approved person’s details

...

10A.14.4 D ...

(3) A firm must not use Form E if ...

...

(c) SUP 10B.12.18R (the PRA rule equivalent to (a)) or the corresponding PRA requirements for relevant authorised persons to (a).

...

13 Exercise of passport rights by UK firms

...

13.2 Introduction

13.2.1 G This chapter gives guidance to UK firms. In most cases UK firms will be authorised persons under the Act. However, under the CRD, a subsidiary of
a firm which is a credit institution which meets the criteria set out in that Directive also has an EEA right. Such an unauthorised subsidiary is known as a financial institution. References in this chapter to a UK firm include a financial institution. The chapter does not provide guidance for Solvency II firms. Solvency II firms should consult the relevant parts of the PRA Rulebook and the PRA website at: http://www.bankofengland.co.uk/pra/Pages/authorisations/passporting/notifying.aspx as the PRA is the appropriate UK regulator for Solvency II firms.

13.2.3 In some circumstances, a UK firm that is carrying on business which is outside the scope of the Single Market Directives has a right under the Treaty to carry on that business. For example, for an insurer carrying on both direct insurance and reinsurance business, the authorisation of reinsurance business is not covered by the Solvency II Directive. The firm may, however, have rights under the Treaty in respect of its reinsurance business. Such UK firms may wish to consult with the appropriate UK regulator on their particular circumstances (see SUP 13.12.2G).

13.3 Establishing a branch in another EEA State

13.3.2 A UK firm other than a UK pure reinsurer cannot establish a branch in another EEA state for the first time under an EEA right unless …

(3) …

(b) …

(i) the Host State regulator has notified the UK firm (or, where the UK firm is passporting under the Solvency II Directive, the PRA) of the applicable provisions …

…

13.3.5 …

(2) (a) If the UK firm’s EEA right derives from the Solvency II Directive, the PRA will give the Host State regulator a consent notice within three months unless it has reason to:

(i) doubt the adequacy of the UK firm’s resources or its administrative structure; or
(ii) question the reputation, qualifications or experience of the directors or managers of the UK firm or its proposed authorised agent;

in relation to the business the UK firm intends to conduct through the proposed branch. The Host State regulator then has a further two months to notify the applicable provisions (if any) and prepare for the supervision, as appropriate, of the UK firm.

(b) In assessing the matters in (2)(a), the PRA may, in particular, seek further information from the firm or require a report from a skilled person (see SUP 5 (skilled persons)).

(c) If the PRA has required a “recovery plan” or a “finance scheme” of a UK firm of the kind mentioned in PRA Rulebook: Solvency II firms: Undertakings in Difficulty, the PRA would not expect to give a consent notice for so long as it considers that policyholders are threatened within the meaning of those provisions.

(d) If the UK firms EEA right derives from the Insurance Mediation Directive ...

...

13.3.6 G ...

(2) The consent notice will contain, among other matters, the requisite details or, if the firm is passporting under the Solvency II Directive, the relevant EEA details (see SUP 13 Annex 1) provided by the UK firm in its notice of intention (see SUP 13.5 (Notices of intention)).

...

13.4 Providing cross border services into another EEA State...

...

13.4.2 G A UK firm other than a UK pure reinsurer or an AIFM exercising an EEA right … unless it satisfies the conditions in paragraphs 20(1) of Part III of Schedule 3 to the Act and, if it derives its EEA right from the Solvency II Directive, AIFMD, MiFID or the UCITS Directive, paragraph 20(4B) of Part III of Schedule 3 to the Act. …

...

(2) if the UK firm is passporting under the Solvency II Directive, the firm has received written notice from the PRA as described in SUP
13.4.4 G …

(2) (a) If the UK firm's EEA right derives from the Solvency II Directive, paragraph 20(3A) of Part III of Schedule 3 to the Act requires the PRA, within one month of receiving the notice of intention, to:

(i) give notice in a specified form (known as a consent notice) to the Host State regulator, or

(ii) give written notice to the UK firm of its refusal to give a consent notice and the reasons for that refusal.

(b) The issue or refusal of a consent notice under paragraph 20(3A) of Part III of Schedule 3 to the Act is the consequence of a regulatory decision, and this consent notice (unlike the consent notice for establishment of a branch) is not a statutory notice as set out in section 395 of the Act. A UK firm that receives notice that the PRA refuses to give a consent notice may refer the matter to the Tribunal under paragraph 20(4A) of Part III of Schedule 3 to the Act.

(c) If the PRA has required of a UK firm a “recovery plan” or “finance scheme” of the kind mentioned in PRA Rulebook: Solvency II firms: Undertakings in Difficulty, the PRA would not expect to give a consent notice for so long as it considers that policyholders' rights are threatened within the meaning of those provisions. [deleted]

13.5 Notices of intention

Specified contents: notice of intention to establish a branch

13.5.1 R A UK firm, other than a UK pure reinsurer, or a CRD credit institution wishing to establish a branch in a particular EEA State for the first time under an EEA right other than under the auction regulation must submit a notice of intention in the form set out in SUP 13 Annex 1R.

13.5.2 R A UK firm wishing to provide cross border services … must submit a notice in the form set out in:
(1A) SUP 13.5.2R does not apply to UK pure reinsurers or a UK firm exercising an EEA right under the auction regulation as they have automatic passport rights on the basis of their Home State authorisation under the Solvency II Directive or the auction regulation. However, the information required by SUP 13.5.2-AR assists the FSA’s FCA’s supervision of a UK firm's provision of a service in another EEA state under the auction regulation.

13.6 Changes to branches

13.6.1 SUP 13.6.9AG) or as a pure reinsurer or the CRD, and has established a branch in another EEA State, any changes to the details of the branch are governed by the EEA Passport Rights Regulations.

13.6.3 UK firms should also note that changes to the details of branches may lead to changes to the applicable provisions to which the UK firm is subject. These changes should be communicated to the UK firm either by the Host State regulator, or, if the firm is passporting under the Solvency II Directive, via the PRA.

13.6.10 (1) If the change arises from circumstances beyond the UK firm's control, the UK firm:

(a) is required by regulation … to give a notice…

(b) may, if it is passporting under the Solvency II Directive, make a change to its relevant UK details under regulation 15(1) if it has, as soon as practicable (whether before or after the change), given notice to the PRA stating the details of the change.

The process
13.6.11  G  When the *appropriate UK regulator* receives a notice from a *UK firm* other than a *MiFID investment firm* (see SUP 13.6.5G(1) and SUP 13.6.7G(1)) a *pure reinsurer* (see SUP 13.6.9BR), a *UK firm* exercising an *EEA right* under the *MCD* (see (SUP 13.6.9DG) or an *AIFM* (see SUP 13.6.9CG) it is required by regulations 11(4) and 13(4) to either refuse, or consent to the change within a period of one *month* from the day on which it received the notice.

...  

13.7  Changes to cross border services  

13.7.1  G  Where a *UK firm*, other than a *pure reinsurer*, is exercising an *EEA right* under the *UCITS Directive*, *MiFID*, the *Solvency II Directive*, the *MCD* or *AIFMD* and is providing *cross border services* into another *EEA State*, ...  

...  

**Firms passporting under the Insurance Directives**  

13.7.6A  G  For further details on giving the notices to the *appropriate UK regulator*, as described in SUP 13.7.3 G(1), SUP 13.7.3AG, and SUP 13.7.3BG, SUP 13.7.5 G(1) and SUP 13.7.6G, *UK firms* may wish to use the standard electronic form available from the *FCA* and *PRA* authorisation teams (see SUP 13.12 (Sources of further information)).

13.7.7A  G  Where the *PRA* is the *appropriate UK regulator*, it will consult the *FCA* before deciding whether to give consent to a change (or proposed change) and where the *FCA* is the *appropriate UK regulator*, it will consult the *PRA* before deciding whether to give consent in relation to a *UK firm* whose immediate group includes a *PRA-authorised person*. [deleted]

...  

13.8  Changes of details: provision of notices to the *appropriate UK regulator*

...  

13.8.2  G  *UK firms*, other than *pure reinsurers*, passporting under the *CRD* or the *Solvency II Directive* may be required to submit the change to details notice in the language of the *Host State* as well as in English.

13A  Qualifying for the authorisation under the Act  

13A.1  Application and purpose  

...  

13A.1.1  G  (1)  This chapter applies to an *EEA firm* that wishes to exercise an entitlement to establish a *branch* in, or provide *cross border services*
into, the United Kingdom under a Single Market Directive or the auction regulation. (The Act refers to such an entitlement as an EEA right and its exercise is referred to in the Handbook as "passporting"). (See SUP App 3 (Guidance on passporting issues) for further guidance on passporting.)

The chapter does not, apart from in SUP 13A.6G (rules which an incoming EEA firm will be subject to), and SUP 13A Annex 1 and Annex 2, provide guidance in relation to an EEA firm that is a Solvency II firm or to Gibraltar firms treated as Solvency II firms. Solvency II firms and those Gibraltar firms should consult the relevant parts of the PRA Rulebook and the PRA website at: http://www.bankofengland.co.uk/pra/Pages/authorisations/passporting/notifying.aspx as the PRA is the appropriate UK regulator.

13A.1.2 G This chapter does not apply to:

(1) …

(2) an EEA firm that carries on any insurance activity:

(a) by the provision of services; and

(b) pursuant to a community co-insurance operation in which the firm is participating otherwise than as leading insurer (see Article 11 of the Regulated Activities Order); or [deleted]

13A.1.3 G (1) Under the Gibraltar Order made under section 409 of the Act, a Gibraltar firm is treated as an EEA firm under Schedule 3 to the Act if it is:

(a) authorised in Gibraltar under the Solvency II Directive; or [deleted]

(2) Gibraltar insurance companies, credit institutions Credit institutions, insurance intermediaries, …

13A.2 EEA firms and Treaty firms

13A.2.1 G … A person may be a Treaty firm, where, for example, it carries on business that includes regulated activities, the right to carry on which does not fall within the scope of the Single Market Directive or the auction regulation under which it is entitled to exercise an EEA right, for example, reinsurance.
in the case of a direct insurer to which the Solvency II Directive applies.

...  
13A.4 EEA firms establishing a branch in the United Kingdom  
...  
13A.4.4 G (1) … notify the applicable provisions (if any) to:

(a) … ;and

(b) in the case of an EEA firm passporting under the Solvency II Directive, the Home State regulator;

within two months of the notice date.

...  
13A.5 EEA firms providing cross border services into the United Kingdom  
...  
13A.5.2 G An EEA firm (other than an EEA pure reinsurer or an EEA firm that received authorisation under article 18 of the auction regulation) should note that…

13A.5.3 G Before an EEA firm (other than an EEA pure reinsurer or an EEA firm that has received authorisation under article 18 of the auction regulation) exercises an EEA right …

13A.5.4 G (1) Unless the EEA firm (other than an EEA pure reinsurer or an EEA firm that received authorisation under article 18 of the auction regulation) is passporting …

...  
13A.6 Which rules will an incoming EEA firm be subject to?  
...  
13A.6.3 G …. must comply with the applicable provisions in SUP 10A and 10C (Approved persons). An EEA firm or Treaty firm should also refer to SUP 10A.1 and 10C.1 (Application) which sets out the territorial provisions of the approved persons regime.
14  Incoming EEA firms changing details, and cancelling qualification for authorisation

14.1  Application and purpose

Application

14.1.1  This chapter applies to an incoming EEA firm other than an EEA pure reinsurer which has established a branch in, or is providing cross border services into, the United Kingdom under one of the Single Market Directives or the auction regulation and, therefore, qualifies for authorisation under Schedule 3 to the Act. The chapter does not apply to an EEA firm that is a Solvency II firm or to Gibraltar firms treated as such Solvency II firms, Solvency II firms and such Gibraltar firms should consult the relevant parts of the PRA Rulebook and the PRA website at: http://www.bankofengland.co.uk/pra/Pages/authorisations/passporting/notifying.aspx as the PRA is the appropriate UK regulator.

14.1.3  (1) …

(a) authorised in Gibraltar under the Solvency II Directive; or

[deleted]

…

…

(2) Gibraltar insurance companies, credit institutions Credit institutions.

…

14.2  Changes to branch details

…

Changes arising from circumstances beyond the control of an incoming EEA firm passporting under the CRD, or UCITS Directive or Insurance Directive

…

14.3  Changes to cross border services

14.3.1  Where an incoming EEA firm passporting under the MiFID, UCITS Directive, Solvency II Directive, MCD or AIFMD is exercising an EEA right and is providing cross border services into the United Kingdom, …
SUP 15 Notifications to the FCA or PRA

In each of the following provisions in SUP 15 Notifications to the FCA, replace “appropriate regulator” wherever appearing with “FCA”:

15.2.1G (four instances)
15.2.2G (five instances)
15.2.3G
15.3.1R
15.3.2G
15.3.3G
15.3.5G
15.3.7G (two instances)
15.3.8G (two instances)
15.3.9G
15.3.10G (three instances)
15.3.11R
15.3.13G
15.3.15G (two instances)
15.3.17R
15.3.19G
15.3.20G
15.3.21R
15.3.22D (three instances)
15.3.23D (two instances)
15.3.24D, 15.3.25D
15.4.1R
15.4.2G (two instances)
15.4.3G (two instances)
15.4.3AG (two instances)
15.4.4G (two instances)
15.5.1R
15.5.4R
15.5.5R
15.5.6G
15.5.7R
15.5.8G
15.5.9R (two instances)
15.5.10G (two instances)
15.6.1R (two instances)
15.6.2G
15.6.3G
15.6.4R (two instances)
15.6.6R
15.6.7G (two instances)
15.7.2G (two instances)
15.7.3G (two instances)
15.7.4R (two instances)
15.7.7G (two instances)
15.7.8G (two instances)
15.7.9G (two instances)
15.7.10G (two instances)
15.7.14G (three instances)
15.7.16G
15.8.9R
15.9.1R
15.9.4R (two instances)
15.9.5R
SUP 15 Annex 1R.

SUP 16 Reporting requirements

In each of the following provisions in SUP 16 Reporting requirements, replace “appropriate regulator” wherever appearing with “FCA”:

SUP 16.1.4G (two instances)
16.1.7G, 16.2.1G (seven instances)
16.3.8R, 16.3.9R, 16.3.10G (two instances)
16.3.11R, 16.3.12G, 16.3.13R (two instances)
16.3.14AG (three instances)
16.3.15G (two instances)
16.3.16G, 16.3.17R (two instances)
16.3.18G (six instances)
16.3.19G
16.3.22G
16.3.23G
16.3.24G (two instances)
16.4.4G
16.4.5G
16.4.12R
16.6.4R
16.10.2G
16.10.4R (two instances)
16.10.4A
16.10.5G
16.12.2 (five instances)
16.12.3R(three instances)
16.16.3G (three instances)
16.16.4G.

16 Reporting requirements

...
16.2.1 G …

(2) … They supplement the provisions of SUP 2 (Information gathering by the appropriate regulator on its own initiative) and SUP 15 (Notifications to the FCA or PRA). …

…

16.4 Annual controllers report

…

16.4.12 R An insurer need not submit a report under SUP 16.4.5R to the extent that the information has already been provided to the appropriate regulator under IPRU(INS) 9.30R (Additional information on controllers) PRA under requirements in the PRA Rulebook.

…

16.16 Prudent valuation reporting

Application

16.16.1 R This section applies to a UK bank, a UK designated investment firm or a full-scope IFPRU investment firm which meets the condition in SUP 16.16.2R.

…

16.16.4 R …

(2) … A PRA-authorised person to which this section applies must submit the report via electronic mail to prudentvaluationreturns@bankofengland.co.uk or via post or hand delivery to Regulatory Data Group, Statistics and Regulatory Data Division (HO5 A-B), Bank of England, Threadneedle Street, London EC2R 8AH; or via fax to the Regulatory Data Group of the Bank of England (020 7601 3334) [deleted]

…

App 2 Insurers: Regulatory intervention points and run-off plans

App 2.1 Application

…

App 2.1.6 R SUP App 2.7 and SUP App 2.11 do not apply to a Solvency II firm. [deleted]

…
SUP App 2.2 (Interpretation) is deleted in its entirety. The deleted text is not shown.

Amend the following as shown.

**App 2.7** Capital resources below the level of individual capital guidance

**App 2.7.1** G Unless For a dormant fund account operator, unless … given to the firm by the appropriate regulator FCA …

... 

**App 2.7.2** G Terms in SUP App 2.7.1G have the meaning in INSPRU 7 and GENPRU in force as at 31 December 2015. References to SUP App 2 provisions are to the provisions in force in the PRA Rulebook on 31 December 2015.

**App 2.8** Ceasing to effect contracts of insurance

**App 2.8.1** G … submit a run-off plan to the appropriate regulator FCA including …

**App 2.8.4** G Under Principle 11, the appropriate regulator FCA normally expects to be notified by a firm when it decides to cease effecting new contracts of insurance in respect of one or more classes of contract of insurance (see SUP 15.3.8G). At the same time, the appropriate regulator FCA would normally expect the firm to discuss with it the need for the firm to apply to vary its permission (see SUP 6.2.6G and SUP 6.2.7G) and, if appropriate, to submit a scheme of operations in accordance with SUP App 2.8.1R.

**App 2.10** Grant or variation of permission

**App 2.10.1** G … Firms which have submitted such a scheme of operations are not required to submit to the PRA a further scheme of operations under this appendix unless SUP App 2.4, SUP App 2.5 or SUP App 2.8 or the relevant parts of PRA Rulebook: Non-Solvency II firms: Run Off Operations or PRA Rulebook: Solvency II firms: Run Off Operations applies apply. SUP App 2.13 and SUP 6 Annex 4 do does, however, apply to such a firm.

**App 2.14A** Fairness issues for with-profit firms in difficulty or in an irregular situation

... 

**App 2.14A.2** G Action which a firm takes either to restore its capital resources to the levels set by the intervention points in this appendix or in PRA Rulebook: Solvency II Firms: Undertakings in Difficulty or PRA Rulebook: Non-Solvency II firms: Run Off Operations ...
App 2.14A.4 G When a firm submits a plan for restoration under this appendix or complies with PRA Rulebook: Solvency II Firms: Undertakings in Difficulty or PRA Rulebook: Non-Solvency II firms: Run Off Operations, ...

App 2.15 Run-off plans for closed with-profits funds

...

App 2.15.8A G ...

(1) a forecast summary revenue account for the with-profits fund, in accordance with SUP App 2.12.7 R PRA Rulebook: Non-Solvency II firms: Run Off Operations 6.1(3)(a);

(2) … in accordance with SUP App 2.12.8 R PRA Rulebook: Non-Solvency II firms: Run Off Operations 6.1(3)(b); and

(3) … in accordance with SUP App 2.12.8 R and SUP App 2.12.9 R PRA Rulebook: Non-Solvency II firms: Run Off Operations 6.1(3)(b) and 6.1.3(c) to (e);

...

...

App 2.15.11 G The run-off plan of a firm to which INSPRU 7 PRA Supervisory Statement: Non-Solvency II Insurance companies – Capital assessments applies should include:

...

...

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