

**INSURANCE: CONDUCT OF BUSINESS SOURCEBOOK (EMPLOYERS'
LIABILITY INSURANCE AMENDMENTS) INSTRUMENT 2023**

Powers exercised

- A. The Financial Conduct Authority (“the FCA”) 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 137A (The FCA’s general rules);
 - (2) section 137T (General supplementary powers); and
 - (3) section 139A (Power of the FCA to give guidance).
- B. The rule-making provisions listed above are specified for the purposes of section 138G(2) (Rule-making instruments) of the Act.

Commencement

- C. This instrument comes into force on 22 December 2023.

Amendments to the Handbook

- D. The Insurance: Conduct of Business sourcebook (ICOBS) is amended in accordance with the Annex to this instrument.

Citation

- E. This instrument may be cited as the Insurance: Conduct of Business Sourcebook (Employers’ Liability Insurance Amendments) Instrument 2023.

By order of the Board
14 December 2023

Annex

Amendments to the Insurance: Conduct of Business sourcebook (ICOBS)

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

8 Claims handling

...

8 Employers' liability register

Annex

1

See *ICOBS* 8.4.4R(1)(a)

Part 1	In relation to information to be included in the employers' liability register	
...		
1.1C	R	A <i>firm</i> is not required to include the employer reference number (ERN) required by 1.1R(1) and (2) if the following <u>where the conditions in either 1.1CAR or 1.1CCR are met:</u>
		(1) the <i>firm</i> has not been able to obtain that information solely due to failures by parties outside the <i>firm's</i> control; and
		(2) the <i>firm</i> has used and continues to use its best endeavours to obtain the information, other than refusing to provide cover to an employer solely because it had not provided the information requested.
1.1CA	R	<u>The conditions in this <i>rule</i> are that:</u>
		(1) <u>in accordance with <i>ICOBS</i> 8.4.7R(1)(a)(ii) and <i>ICOBS</i> 8.4.11R(2), the <i>firm</i> has arranged to make the information on its employers' liability register available on the website of a tracing office that meets the conditions in <i>ICOBS</i> 8.4.9R;</u>
		(2) <u>that tracing office has effective systems in place to obtain and record accurate ERN data on its database; and</u>
		(3) <u>that tracing office has provided the <i>firm</i> with a commitment that it will use its best endeavours to obtain the ERN.</u>
1.1CB	G	(1) <u>Where the tracing office in 1.1CAR is using its best endeavours to obtain the ERN and asks a <i>firm</i> to help with obtaining it, that <i>firm</i> should take reasonable steps to do so in line with its obligations under <i>Principle 2</i> (to conduct its business with due skill, care and diligence)</u>

			<u>and Principle 3 (to take reasonable care to organise and control its affairs responsibly and effectively).</u>
		(2)	<u>Where a firm is in possession of or comes into possession of the ERN, the firm should provide the ERN to the tracing office in 1.1CAR as soon as reasonably practicable.</u>
		(3)	<u>Where a firm makes information on its employers' liability register available on its own website in accordance with ICOBS 8.4.7R(1)(a)(i) or the tracing office in 1.1CAR fails to meet any of the conditions in 1.1CAR, the rule in 1.1CCR may apply.</u>
<u>1.1CC</u>	<u>R</u>		The conditions in this <i>rule</i> are that:
		(1)	<u>the firm has not been able to obtain the ERN solely due to failures by parties outside the firm's control; and</u>
		(2)	<u>the firm has used and continues to use its best endeavours to obtain the ERN, other than refusing to provide cover to an employer solely because it has not provided the ERN.</u>
...			