

The
Modern Law
of Insurance

McGee

Third Edition



LexisNexis

The Modern Law of Insurance

Third Edition

Professor Andrew McGee

MA, BCL (Oxon), Barrister

Professor of Business Law, Manchester University

Barrister, Kings Chambers, Leeds and Manchester



LexisNexis®

Members of the LexisNexis Group worldwide

United Kingdom	LexisNexis UK, a Division of Reed Elsevier (UK) Ltd, Halsbury House, 35 Chancery Lane, London WC2A 1EL and London House, 20-22 East London Street, Edinburgh, EH7 4BQ
Australia	LexisNexis Butterworths, CHATSWOOD, New South Wales
Austria	LexisNexis Verlag ARD Orac GmbH & Co KG, VIENNA
Benelux	LexisNexis Benelux, AMSTERDAM
Canada	LexisNexis Canada, MARKHAM, Ontario
China	LexisNexis China, BEIJING and SHANGHAI
France	LexisNexis SA, PARIS
Germany	LexisNexis GmbH DUSSELDORF
Hong Kong	LexisNexis Hong Kong, HONG KONG
India	LexisNexis India, NEW DELHI
Italy	Giuffrè Editore, MILAN
Japan	LexisNexis Japan, TOKYO
Malaysia	Malayan Law Journal Sdn Bhd, KUALA LUMPUR
New Zealand	LexisNexis NZ Ltd, WELLINGTON
Poland	Wydawnictwo Prawnicze LexisNexis Sp, WARSAW
Singapore	LexisNexis Singapore, SINGAPORE
South Africa	LexisNexis Butterworths, DURBAN
USA	LexisNexis, DAYTON, Ohio

© Reed Elsevier (UK) Ltd 2011

Published by LexisNexis Butterworths

This is a Butterworths title

All rights reserved. No part of this publication may be reproduced in any material form (including photocopying or storing it in any medium by electronic means and whether or not transiently or incidentally to some other use of this publication) without the written permission of the copyright owner except in accordance with the provisions of the Copyright, Designs and Patents Act 1988 or under the terms of a licence issued by the Copyright Licensing Agency Ltd, Saffron House, 6-10 Kirby Street, London EC1N 8TS. Applications for the copyright owner's written permission to reproduce any part of this publication should be addressed to the publisher.

Warning: The doing of an unauthorised act in relation to a copyright work may result in both a civil claim for damages and criminal prosecution.

Crown copyright material is reproduced with the permission of the Controller of HMSO and the Queen's Printer for Scotland. Parliamentary copyright material is reproduced with the permission of the Controller of Her Majesty's Stationery Office on behalf of Parliament. Any European material in this work which has been reproduced from EUR-lex, the official European Communities legislation website, is European Communities copyright.

A CIP Catalogue record for this book is available from the British Library.

ISBN 978-1-4057-5107-0



9 781405 751070

ISBN: 9781405751070

Printed and bound in Great Britain by CPI William Clowes, Beccles NR34 7TL

Visit LexisNexis Butterworths at www.lexisnexis.co.uk

The Modern Law of Insurance

Third Edition

Preface to 3rd Edition

The past five years have provided something of a period of consolidation in insurance law. The FSA has had some chance to settle down to its regulatory role (though, ironically, just as it had done so there came another election and a new government apparently determined to throw the whole topic of financial services regulation up in the air again). Legend has it that Astbury J., when told of the legislative proposals which eventually became the 1925 property legislation, snorted ‘Reform? Reform! Aren’t things bad enough already?’ I am reaching the age where I begin to understand what he meant.

Meanwhile there is legislative reform in the shape of the Third Parties (Rights Against Insurers) Act 2010, which implements the proposals made some years ago by the Law Commission in an effort to bring some degree of rationality to this longstanding problem area.

There is also a modest amount of new case law. The law on fraudulent claims have been refined and clarified in cases such as *Stemson v AMP General*, *Danepoint Ltd v Underwriting Insurance Ltd*, *Tonkin v UK Insurance*, *Shah v Ul-Haq* and *Direct Line v Fox*.

With the credit crunch insolvency has become an even more important issue than usual, leading to a number of cases on the Third Parties (Rights Against Insurers) Act 1930, including *Re T & N (No 4)*, *KR v RSA*, *Shinedean v Alldown*, *Law Society v Shah* and *Goldsmith Williams v Travellers Insurance*.

The difficult area of brokers’ duties has also produced important new case law such as *BP v AON*, *Gaughan v Tony McDonagh & Co Ltd*, *HIH Casualty v JLT Risk Solutions*, *GNER v JLT*, *Goshawk Dedicated v Tyser*, *Fisk v Thornhill*, *Standard Life v Oak Dedicated*, *Dunlop Heywards v Erinaceous*, *Ramco v Weller*, *Harris v Lloyds*, *Malik v Moneywise* and *Dunlop v Barbon*.

And, as ever, the flow of cases on non-disclosure has continued. Some of the more important include *Forrest v CGU*, *North Star Shipping v Sphere Drake*, *Bonner v Cox* and *Rendall v Combined Ins Co of America*.

All other areas of insurance law are covered, with new cases in areas such as increase of risk, limitation of action, marine insurance, motor insurance (including the MIB) notification of claims, settlement, subrogation and warranties.

Professional and academic colleagues continue to offer helpful comments and advice in relation to the many difficulties in this subject. At present there is of course a lengthy Law Commission project on insurance contract law, and it

Preface to 3rd Edition

may be that the next edition will be able to reflect a number of worthwhile improvements in the law, though this suggestion is absolutely not a promissory warranty of any kind!

As ever, the Editorial Staff of Butterworths have been helpful and patient in dealing with the errors and difficulties of the manuscript and getting it into a state where it is, I hope, readable and fit for purpose.

The law is stated as at 1 January 2011.

Andrew McGee

Leeds

March 2011

List of Abbreviations

AA 1996	Arbitration Act 1996
ABI	Association of British Insurers
ARF	Appointed Representative Firms
AVCs	Additional Voluntary Contributions
BDS	Business Development Services
C(AL)A 1990	Contracts (Applicable Law) Act 1990
CCA 1974	Consumer Credit Act 1974
CICB	Criminal Injuries Compensation Board
CIF	Carriage Insurance and Freight
CPR 1998	Civil Procedure Rules 1998
CPS	Crown Prosecution Service
C(RTP)A 1999	Contracts (Rights of Third Parties) Act 1999
DTI	Department of Trade and Industry
ECJ	European Courts of Justice
EL(CI)A 1969	Employer's Liability (Compulsory Insurance) Act 1969
EL(CI)R 1998	Employer's Liability (Compulsory Insurance) Regulations 1998
E&O insurance	Errors & Omissions insurance
FoA 1982	Forfeiture Act 1982
FSA	Financial Services Authority
FSA 1986	Financial Services Act 1986
FSAVCs	Free-Standing Additional Voluntary Contributions

List of Abbreviations

FSMA 2000	Financial Services and Markets Act 2000
FSO	Financial Services Ombudsman
FSOS	Financial Services Ombudsman Scheme
GISC	General Insurance Standards Council
GMC	General Medical Council
HIPs	Home Income Plans
IA 1986	Insolvency Act 1986
ICA 1982	Insurance Companies Act 1982
ICS	Investors Compensation Scheme
ICTA 1988	Income and Corporation Taxes Act 1988
IFAs	Independent Financial Advisors
IOB	Insurance Ombudsman Bureau
IVAs	Individual Voluntary Arrangements
JCT	Joint Contracts Tribunal
LAA 1774	Life Assurance Act 1774
LAPR	Life Assurance Premium Relief
LAUTRO	Life Assurance and Unit Trust Regulatory Organisation
LOC	Letters of Credit
LPA 1925	Law of Property Act 1925
MDU	Medical Reference Union
MIA 1906	Marine Insurance Act 1906
MIB	Motor Insurers' Bureau
MIG	Mortgage Indemnity Guarantee
NDC	No Claims Discount
NHBC	National House Builders' Council
NU	Norwich Union
OBO	Office of the Banking Ombudsman
OFT	Office of Fair Trading
OPS	Occupational Pension Scheme
P & I club	Protection and Indemnity club
PAA 1867	Policies of Assurance Act 1867
PHI	Permanent Health Insurance
PIA	Personal Investment Authority

List of Abbreviations

PIAOB	Personal Investment Authority Ombudsman Bureau
PPA 1975/1997	Policyholders Protection Acts 1975/1997
PPB	Policyholders Protection Board
PPI	Payment Protection Insurance
PTSD	Post-traumatic stress disorder
REA 1964	Riding Establishments Act 1964
ROA 1974	Rehabilitation of Offenders Act 1974
RTA 1988	Road Traffic Act 1988
RTRA 1984	Road Traffic Regulation Act 1984
SCA 1981	Supreme Court Act 1981
SGIP	Statement of General Insurance Practice
SIB	Securities Investment Board
SIF	Solicitors Indemnity Fund
SLIP	Statement of Long-Term Insurance Practice
TBA clause	To Be Arranged clause
TEU	Treaty on European Union
UCTA 1977	Unfair Contract Terms Act 1977
UTCCR 1994/1999	Unfair Terms in Consumer Contracts Regulations 1994/1999

Table of Statutes

Those paragraph numbers in **bold** indicate where the Statute is set out in part or in full

A		County Courts Act 1984	
Administration of Justice Act 1970		s 69	5.57
s 35	34.31	E	
Adoption Act 1976		Employers' Liability (Compulsory	
s 31, 32	4.25	Insurance) Act 1969	
Arbitration Act 1950		.....	1.2, 37.4, 48.1, 48.5, 50.4
Pt I (ss 1–34)	21.2	s 1	48.7
Arbitration Act 1975	21.2	(2)	48.3
.....	21.2	(3)(a)	48.2
Arbitration Act 1979	21.2	4(2)	48.6
.....	21.2	F	
Arbitration Act 1996	21.2, 21.3	Factories Act 1937	
s 1	21.3	.....	48.3, 48.7, 50.4
6	21.4, 49.19	Factories Act 1948	
9(4)	21.4	.....	48.3, 48.7, 50.4
Assurance Companies Act 1909	1.8, 2.2	Factories Act 1959	
.....		.....	48.3, 48.7, 50.4
B		Factories Act 1961	
Bills of Exchange Act 1882		.....	48.3, 48.7, 50.4
.....	34.17	Fatal Accidents Act 1976	
s 80	34.17	.....	28.21
C		Finance Act 1984	34.4
Cheques Act 1957	34.17, 34.22	Financial Services Act 1986	
s 4	34.17	..	6.1, 6.35, 6.49, 6.78, 21.6, 27.20
Cheques Act 1992	34.17, 34.21, 34.22	s 5	2.6
Civil Liability (Contribution) Act 1978		47(1)	5.58
.....	40.40, 52.6	132	2.6
Civil Partnerships Act 2004		Financial Services and Markets Act 2000	
.....	4.9	..	1.2, 1.5, 1.14, 2.2, 2.8, 2.9, 2.16,
s 253	4.20	6.1, 6.13, 6.47, 6.49, 21.9, 21.10,	
Companies Act 1985		37.3, 46.4	
s 310	50.18	s 17	21.6
690a, 690b	51.14	19	2.2
691	51.14	20	21.6
694a(2)	51.14	22, 23	1.3
725	51.14	26	2.3, 2.4, 2.6
Consumer Credit Act 1974		(1)–(3)	2.4
s 8(2)	37.36	27	2.3, 2.6
60(3)	37.36	1)–(3)	2.5
127(3)	37.36	28	2.3, 2.6
Contracts (Applicable Law) Act 1990		(2)–(6)	2.6
.....	32.7, 33.44, 51.20, 51.22	(7)	2.7
Contracts (Rights of Third Parties) Act		(9)	2.4
1999	19.34, 28.2, 49.6, 49.19	40, 41	2.2
s 10	28.2	43	2.2
		64	2.15
		111	2.8
		141, 142	2.2
		150	6.78

Table of Statutes

Financial Services and Markets Act 2000 –

cont.

s 150(1)	6.78
Pt XV (ss 212–224)	15.32, 27.2
s 212	27.3
213	27.4
216	27.5
217	27.6
225(1)	21.6
226(7)	21.6
227	21.6
228(2)	21.6
(5)–(7)	21.7
229–232	21.8
234	21.9
Sch 6	2.2
para 4, 5	2.2
Sch 12	2.6

Fires Prevention (Metropolis) Act 1774

s 83	23.2
------------	------

Forfeiture Act 1982

.....	20.7, 20.9, 34.6
s 1(2)	20.8
3	20.10

Foster Children Act 1980

s 19	4.25
------------	------

Friendly Societies Act 1974

.....	4.28
-------	------

s 7	4.28
-----------	------

Friendly Societies Act 1992

.....	1.20, 4.28
s 120	4.28

G

Gaming Act 1845

s 18	4.16, 4.18, 4.29, 24.12
------------	-------------------------

H

Housing Act 1985

.....	5.47
-------	------

Human Rights Act 1998

Sch 1	21.10
art 6	21.10

I

Income and Corporation Taxes Act 1988

.....	44.4
-------	------

Pt XIV (ss 590–658)	44.3
---------------------------	------

s 656	14.2
-------------	------

Industrial Assurance Act 1923

s 2	19.14
-----------	-------

Inheritance (Provisions for Family and Dependents) Act 1975

.....	20.8, 20.9, 34.28
-------	-------------------

Inheritance Tax Act 1984

.....	15.27
-------	-------

s 71	15.27
------------	-------

Insolvency Act 1986

.....	29.15, 49.6
s 89	27.20
178	22.9
181	22.9
239	49.4, 49.5
421	37.15

Insurance Companies Act 1974

.....	1.14, 2.2
-------	-----------

Insurance Companies Act 1982

.....	1.5, 1.12, 1.13, 2.2, 2.3, 7.6, 33.22, 34.9, 36.1
-------	---

s 2(1)	2.2
--------------	-----

3, 4	33.28, 33.34
------------	--------------

16	2.2
----------	-----

19	33.33
----------	-------

49(1)	1.18
-------------	------

75–77	7.2
-------------	-----

94A	33.42
-----------	-------

95	1.4, 1.5
----------	----------

(a)	1.5
-----------	-----

(c)	1.5
-----------	-----

Sch 1	7.6
-------------	-----

Sch 2c	34.9
--------------	------

para 1(1)	51.19
-----------------	-------

Insurance Companies Amendment Act 1973

s 50	4.10
------------	------

J

Judicature Act 1873

.....	15.8
-------	------

L

Latent Damage Act 1986

.....	52.6
-------	------

Law of Property Act 1925

.....	15.1, 15.4
-------	------------

s 44	34.31
------------	-------

53	15.25
----------	-------

(1)(c)	34.5
--------------	------

136	15.7
-----------	------

(1)	15.4, 15.16
-----------	-------------

Law Reform (Married Women and Tortfeasors) Act 1935

.....	15.29
-------	-------

Law Reform (Miscellaneous Provisions) Act 1934

s 1	4.21
-----------	------

Life Assurance Act 1774

.....	4.1, 4.3, 4.6, 4.9, 4.14, 4.16, 4.17, 4.21, 4.28, 4.31, 4.32, 4.33, 15.22, 15.26, 23.2, 23.5, 40.13
-------	---

s 1	1.15, 4.3, 4.4, 4.9, 4.10, 4.11, 4.16, 4.18, 4.29, 15.26
-----------	--

2	4.8, 4.10, 4.15, 4.16, 7.2, 15.26
--------	-----------------------------------

3	4.12, 4.13, 19.29
---------	-------------------

4	4.3, 4.14, 4.29, 19.26, 19.29, 40.13, 47.7
---------	--

Life Assurance Companies Act 1870	2.2
Life Insurance Companies (Payment into Court) Act 1896	15.19
Limitation Act 1980	52.6
Lloyd's Act 1982	52.2

M

Marine Insurance Act 1745	24.12
Marine Insurance Act 1906	3.8, 5.9, 5.12, 5.13, 5.58, 7.4, 15.22, 19.3, 19.31, 24.12, 24.13, 40.1, 40.5, 40.8, 40.11, 40.14, 40.40
s 1	40.2
2(1)	40.2
3	12.2
4	40.3
(1)	4.33
(2)	4.33, 24.12, 40.3
5(1)	4.33
(2)	4.33, 40.4
6	3.1, 4.2, 4.33, 15.22, 45.8
1	4.9, 40.3
(2)	40.3
11, 12	40.3
14(1)–(3)	40.3
16	4.33, 24.2, 40.5
17	5.15, 13.1, 19.9, 19.13
18	5.10, 5.11, 5.16, 5.34, 5.59, 40.1
(1)	5.40
(2)	5.9, 5.40
(3)	5.45
(a)	5.47
19	5.15
(a)	5.16
20	5.2, 5.10, 5.11, 5.11, 40.1
(1), (2)	5.2
(3), (4)	5.2
(5)	5.2, 25.4
22, 23	7.1, 40.8
24	7.1, 40.9
25	40.10
26	7.1
(1)–(3)	40.8
27	4.33, 40.5, 40.21
(2)	4.33
29(1)	40.6
30	40.8
31	40.11
(1)	3.8
32	24.10
(1)	24.2, 40.40
(2)	24.2, 40.40
33	13.3, 17.33, 17.3, 17.4, 17.6, 17.7, 40.14
(1)	40.14
(3)	17.1, 20.5, 40.14
34(2)	17.6, 40.14

Marine Insurance Act 1906 – cont.

s 34(3)	17.6, 17.7
35	17.6, 40.14
36	17.6
(1), (2)	40.14
37	17.6, 40.14
38	17.6, 40.14
39	17.6
(1)–(3)	40.14
(5)	13.1, 40.14
40	9.5, 17.6
(1), (2)	40.14
41	17.6, 20.2, 20.5, 40.14
42(1)	40.15
(2)	40.14, 40.15
43, 44	40.15
45(1)	40.15
46(1), (3)	40.15
47(1)	40.15
48(1)	40.15
49	40.15
50(1)	15.23
(2)	15.23, 40.16
(3)	15.23
51	40.16
52	40.11
53	6.27
(1)	40.11
(2)	7.4, 40.11
54	40.11
55	18.1, 19.14
(1)	18.1, 40.17
(2)	12.1, 18.1, 40.17
(a)	18.1
(c)	9.5
56(5)	40.18
57, 58	40.19
59	40.20
60	40.21
61	40.22
62, 63	40.34
64	40.23
65	40.32, 40.36
66	40.23, 40.24, 40.32
67	19.26, 25.3, 40.25
(2)	25.3
68	19.26, 40.26
69	19.31, 40.36
70	40.28
71	40.29
73	40.37
(1), (2)	40.6
76(1)–(4)	40.30
77(1)	19.31, 40.31
(2)	40.31
78(1)–(3)	40.32
(4)	12.1, 40.32
79	22.21, 40.38
80(1)	24.7
81	25.3
82, 83	40.13
84(1)–(3)	40.13

Table of Statutes

Marine Insurance Act 1906 – *cont.*

s 85(1), (2)	1.19
88	40.11
90	40.5
Sch 1	40.8, 40.32

Married Women's Property Act 1882

	34.36
s 11	15.29

Misrepresentation Act 1967

	5.2, 6.16, 6.39
s 3	6.14, 6.15, 6.17

N

Nuclear Installations Act 1965

s 15(1), (2)	50.3
16	50.3
18	50.3
19(1)–(4)	50.3

P

Partnership Act 1890

	4.24
--	------

Policies of Assurance Act 1867

	15.1, 15.4, 15.5, 15.8, 15.10, 15.14, 15.23, 34.32
--	---

s 1	15.7, 15.13, 15.16
3	15.12, 15.18
4	15.12, 15.19
5	15.11
6	15.17

Schedule	15.11
----------	-------

Policyholders Protection Act 1975

	6.32, 27.1, 28.17
--	-------------------

Policyholders Protection Act 1997

	6.32, 27.1
--	------------

Public Order Act 1986

	16.7
--	------

Public Passenger Vehicles Act 1981

	37.6
--	------

R

Race Relations Act 1976

s 20	5.32
------	------

Refuse Disposal (Amenity) Act 1978

	37.31
--	-------

Rehabilitation of Offenders Act 1974

s 5(2)	5.28
(8)	37.22

Reinsurance (Acts of Terrorism) Act 1993

	9.10
--	------

Riding Establishments Act 1964

s 1(1)	50.4
(4a)(d)	50.4
(9)	50.4

Riot Act 1714

	22.2
--	------

Road Traffic Act 1930

	17.4
--	------

s 35	28.31
------	-------

Road Traffic Act 1988

	3.7, 28.1, 37.2, 37.4
--	-----------------------

Pt VI (ss 143–162)

	28.7, 37.8
--	------------

s 143	1.2, 28.31
-------	------------

(1)(a), (b)	37.2
-------------	------

(2)	37.2
-----	------

(4)	37.2
-----	------

144	28.7
-----	------

(1), (2)	37.3
----------	------

145	37.6, 37.8, 37.9, 37.10, 37.12
-----	--------------------------------

(2)	37.3
-----	------

(3)	37.4
-----	------

(4)(a)	37.4
--------	------

145(4a)	37.4
---------	------

146	37.6
-----	------

147(1), (2)	37.7
-------------	------

(4), (5)	37.7
----------	------

148	37.8
-----	------

(4)–(6)	37.9
---------	------

149	24.4, 37.10
-----	-------------

150	37.11
-----	-------

151	17.4, 24.4, 27.26, 37.12, 37.13, 37.14, 37.17
-----	--

(3), (4)	37.12
----------	-------

(6)	37.12
-----	-------

(8)	37.14
-----	-------

152	19.7
-----	------

(1)(a)	37.13
--------	-------

153(3)	37.15
--------	-------

154	28.13
-----	-------

(1)	28.13
-----	-------

185	37.3
-----	------

Road Traffic Regulation Act 1984

	37.33
--	-------

s 99	37.31
------	-------

100	37.31
-----	-------

101	37.34, 37.35
-----	--------------

(1)	37.32
-----	-------

(3)	37.32
-----	-------

(4)	37.32, 37.33
-----	--------------

(5)	37.33
-----	-------

102	37.34, 37.35
-----	--------------

S

Sale of Goods Act 1979

s 17, 18	38.9
----------	------

Senior Courts Act 1981

s 35a	5.57
-------	------

Solicitors Act 1974

s 37	1.11
------	------

Suicide Act 1961

	20.8
--	------

s 2	20.8
-----	------

Supreme Court Act 1981

s 51	26.1, 26.2, 26.4, 51.13
------	-------------------------

Supreme Court of Judicature Act 1873

	15.8, 19.2, 22.9, 40.16
--	-------------------------

s 25(6)	15.4
---------	------

Supreme Court of Judicature Acts 1875

	15.8, 19.2
--	------------

Table of Statutes

T

Theft Act 1968	4.3, 4.16
s 1	37.24, 38.9
12	16.8, 37.24
15	38.9
17	38.9
18	38.9
Theft Act 1978	16.8
Third Parties (Rights Against Insurers) Act	
1930 ...	6.42, 13.5, 19.3, 21.4, 27.21,
27.37, 29.1, 29.2, 29.4, 29.8, 29.10,	
29.11, 29.12, 29.15, 37.15	
s 1	29.11
(1)	29.5, 29.9, 29.10
(3)	29.2, 29.5, 29.7

Third Parties (Rights Against Insurers) Act

1930 – *cont.*

s 2(1), (2)	29.14
-------------------	-------

U

Unfair Contract Terms Act 1977

.....	1.2, 5.49, 6.16, 12.12, 17.14,
	46.19
s 11	11.8
Sch 1	16.35

V

Vehicle Excise and Registration Act 1994

.....	37.8
-------	------

Table of Statutory Instruments

Those paragraph numbers in **bold** indicate where the Statutory Instrument is set out in part or in full

C		F	
Civil Procedure Rules 1998, SI 1998/3132		Employers' Liability (Compulsory Insurance) (Offshore Installations) Regulations 1975, SI 1975/1443	
. 5.16, 13.6, 16.31, 18.2, 19.9, 20.02, 21.10, 22.9, 28.10, 51.27		48.2	
Pt 6			
r 6.17–6.19	51.15		
6.20(1)	51.15		
(5)–(7)	51.15		
6.21–6.31	51.15		
Pt 19			
r 19.3	51.13		
Pt 44			
r 44.2(a), (b)	26.1		
44.3(2)	45.8		
44.4(2), (3)	26.5		
Sch 1 RSC			
Ord 11	19.42, 51.7, 51.13, 51.15, 51.17		
r 1	51.13		
(1)(d)	51.18		
4(1)(c), (d)	51.13		
9(4)	51.13		
Ord 12			
r 8	51.7		
Ord 15	19.24		
E			
Employers' Liability (Compulsory Insurance) Act 1969 (Commencement) Order 1971, SI 1971/1116			
		48.1	
Employers' Liability (Compulsory Insurance) (Amendment) Regulations 2004, SI 2004/2882			
		48.5	
Employers' Liability (Compulsory Insurance) General Regulations 1998, SI 1998/2573			
reg 2(1)	48.3		
(3)	48.3		
3	48.3		
4	48.2, 48.6		
5, 6	48.6		
Sch 2	48.5		
para 15	48.5		
		I	
		Insolvency Rules 1986, SI 1986/1994	
		r 5.17	
		19.11	
		Insurance Companies Regulations 1981, SI 1981/1654	
		1.10	
		Insurance Companies Regulations 1994, SI 1994/1516	
		reg 3	
		1.10	
		5(1)	
		45.1	
		Insurance Companies (Third Insurance Directives) Regulations 1994, SI 1994/1696	
		33.5, 48.2	
		reg 45(2)	
		33.15	
		46(2)	
		33.28	
		Sch 6	
		33.15	

Table of Statutory Instruments

Insurance Companies (Third Insurance Directives) Regulations 1994, SI 1994/1696 – <i>cont.</i>	
Sch 7	33.28
Insurers (Winding Up) Rules 2001, SI 2001/3635	27.42

O

Offshore Installations (Application of the Employer's Liability (Compulsory Insurance) Act 1969) Regulations 1975, SI 1975/1289	48.2
---	------

R

Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, SI 1975/1023 art 3, 4	2.12
Road Traffic (Northern Ireland Consequential Amendments) Order 1981, SI 1981/160 art 98	27.26

T

Transfer of Undertakings (Protection of Employment) Regulations 1981, SI 1981/1794	48.8
--	------

Third Directive Regulations 1994, SI 1994/1696	33.5, 33.15
reg 45(2)	33.15
46(2)	33.28
Sch 6	33.15
Sch 7	33.28

U

Unfair Terms in Consumer Contracts Regulations 1994, SI 1994/3159 ... 12.12, 16.29, 16.30, 16.33, 16.34, 17.14	
reg 4(1), (2)	16.30
8	16.34
(1), (2)	16.32
Unfair Terms in Consumer Contracts Regulations 1999, SI 1999/2083 ... 6.16, 9.3, 11.5, 17.14, 19.6, 46.19	
reg 3	16.29
5	16.30
(1)	16.30
(2)	16.29
6(1)	16.31
(2)	16.29
7	16.29
Sch 2	16.31
Sch 3	16.31

Table of European and International Legislation

References in the right-hand column are to chapter paragraph number.

Primary EU Legislation		European and Parliament Council Directive 2002/47/EC (on financial collateral arrangements) 11.2, 23.8
Conventions		European and Parliament Council Directive 2003/87/EC (establishing a scheme for greenhouse gas emission allowance trading) 3.19
Brussels Convention on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters 1968		European and Parliament Council Directive 2004/39/EC (on markets in financial instruments) 12.18
art 17	16.13	European and Parliament Council Directive 2009/44/EC
Secondary EU Legislation		art 20 21.8, 23.8
Directives		International Legislation
Council Directive 68/151/EEC (First Company Law Directive)		C
art 9(2)	13.10	Convention on the Law Applicable to Certain Rights in Respect of Securities Held with an Intermediary (Hague Securities Convention)
Council Directive 2001/24/EC (EU Winding-up Directive)	16.9, 16.18	21.8
art 23	11.15	
25	11.15	K
European and Parliament Council Directive 93/6/EEC (on the capital adequacy of investment firms and credit institutions)	12.39	Kyoto Protocol to the United Nations Framework Convention on Climate Change (Kyoto, 16 February 2005)
European and Parliament Council Directive 98/26/EC (on settlement finality in payment and securities settlement systems)	21.8	3.19
European and Parliament Council Directive 2002/44/EC (on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (vibrations)	11.15, 21.8	N
		New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards (1958) 16.17