

Insurance Intermediaries Rule 19 of 2007

Persons Qualified to Make Use of the Word “Insurance”

Rule pursuant to article 48 of the Act

1. (1) This Insurance Intermediaries Rule on the persons qualified to make use of the word “insurance” as part of their description or title (“this Rule”) is made by the Authority pursuant to, and for the purposes of, article 48 of the Act.

(2) This Rule shall come into force on the 1st June 2007.

Application

2. This Rule applies to a person, whether or not such person is an individual, desirous of applying for permission to make use of the word “insurance” as part of the person’s description or title (the “applicant”).

Scope

3. The scope of this Rule is to determine -

(a) the qualifications of persons, other than persons mentioned in subarticle (1) of article 48 of the Act, who, on application made to the Authority in that behalf, may obtain the written permission of the Authority to make use of the word “insurance” as part of their description or title;

(b) the information or documentation which applicants are required to furnish when submitting an application.

When use of the word “insurance” is made by virtue of the Act

4. (1) Any person -

(a) who is an individual registered in the Agents Register, Managers Register or Brokers Register under article 13 of the Act;
or

(b) who is a person enrolled in Agents List, Managers List or the Brokers List under article 13 of the Act; or

(c) who is a person enrolled in the Tied Insurance Intermediaries List under article 37 of the Act; or

(d) which is an undertaking authorised to carry on business of insurance under article 7 of the Insurance Business Act, 1998; or

(e) who is a person prescribed by regulations made under the Act and whose functions as prescribed thereby confer upon such person the right to make use of the word “insurance”,

qualifies, by virtue of the Act, to make use of the word “insurance” as part of the person’s description or title or to make any such use on any letter paper, in any notice or advertisement, or in any similar manner without submitting an application for such purpose to the Authority.

(2) Whenever a person makes use of the word “insurance” by virtue of the Act, the person shall, in its description or title which includes the word “insurance”, ensure that the description or title reflects the enrolment or authorisation granted, or to be granted, to that person by the Authority under the Act or the Insurance Business Act, 1998. In this respect, an undertaking authorised under the Insurance Business Act shall be known either as “Theta Company Ltd” (**Authorised Insurance Undertaking**) or as “**Theta Insurance Company Ltd**”; similarly, a company enrolled in the Agents List shall be known either as “Theta Company Ltd” (**Enrolled Insurance Agents / Agency**) or as “**Theta Insurance Agents / Agency Ltd**”.

(3) With respect to the words “**Insurance Services**” in the title or description of a company, an undertaking, or person granted, or to be granted, enrolment or authorisation under the Act or the Insurance Business Act, 1998, the words “**Insurance Services**” imply that the person provides all kinds of insurance services. As any one company, undertaking, or person cannot be granted more than any one enrolment or authorisation under the Act or the Insurance Business Act, the words “**Insurance Services**” in the title or description of a company, undertaking, or person enrolled or authorised, or to be enrolled or authorised, under any those Acts are misleading and therefore not allowed.

When use of the word “insurance” is made by virtue of recognition by the Authority

5. (1) Any person who is an individual who holds suitable insurance qualifications of an institute of repute specified in article 6 of this Rule is recognised by the Authority for the purposes of this article and qualifies to make use of the word “insurance” as part of his description or title.

(2) Any institute of repute which provides instruction in insurance business studies and is an institute specified in article 6 of this Rule is recognised by the Authority for the purposes of this article and qualifies to make use of the word “insurance” as part of its description or title or to make any such use on any letter paper, in any notice or advertisement, or in any other similar manner.

(3) Any person or institute qualified to make use of the word “insurance” under paragraphs (1) or (2) of this article may do so without submitting an application for such purpose to the Authority.

Institutes of repute recognised by the Authority

6. For the purposes of this Rule -

- (a) the Malta International Training Centre Limited;
- (b) the Chartered Insurance Institute of the United Kingdom;
- (c) the Malta Insurance Institute;

(d) any institute which provides instruction in insurance business studies established for such purpose:

- (i) by or under any Maltese law;
- (ii) by or under any law of a foreign jurisdiction recognised for such purpose by the Authority;
- (iii) to the satisfaction of the Authority,

are institutes of repute and recognised as such by the Authority.

When use of the word “insurance” is made by permission of the Authority

7. (1) Any person, other than a person mentioned in articles 4, 5 or 6 of this Rule, desirous of applying for permission to make use of the word “insurance” as part of the person’s description or title shall make application in writing to the Authority clearly specifying in the application the description or title which includes the word “insurance” which the applicant desires to make use of in order to carry out business of insurance activities or insurance intermediaries activities.

(2) Any application submitted under this article shall be accompanied by any information or documentation which is relevant to the description or title mentioned in the application.

(3) Any qualification or experience claimed in an application shall have to be supported by documentary evidence.

(4) The Authority shall consider an application made under this article and grant an applicant permission to make use of the word “insurance” only if it is satisfied that a qualification or experience claimed by the applicant is a qualification or experience recognised by the Authority for the purposes of this Rule.

Constituted bodies representing insurance market operators or insurance professionals or practitioners

8. (1) Subject to paragraph (4) of this article, any constituted body representing the interests of any one category or more of insurance market operators or insurance professionals or practitioners may make application in writing to the Authority to make use of the word “insurance” as part of the body’s name and to make any such use on any letter paper, in any notice or advertisement, or in any similar manner.

(2) Any application made under this article shall be accompanied by -

(a) a copy of the statute of the constituted body;

(b) a list of members of the constituted body signed by the president or secretary of the body;

(c) the proposed full name of the constituted body including the word “insurance”.

(3) The Authority shall consider an application made under this article and grant an applicant permission to make use of the word “insurance” only if it is satisfied that -

(a) the applicant is a constituted body whose objects are limited to the promotion or furtherance of interests of insurance market operators or insurance professionals or practitioners; and

(b) membership of the constituted body is open without distinction to all persons who qualify by virtue of the body’s statute to apply for and be granted membership of the body.

(4) The constituted bodies listed hereunder shall qualify to make use of the word “insurance” in their title or description and to make such use on any letter paper, in any notice or advertisement, or in any other similar manner without making application for such purpose to the Authority -

(a) the Association of Insurance Agents;

(b) the Association of Insurance Brokers;

(c) the Malta Insurance Association;

(d) the Insurance Trade Section of the Malta Chamber of Commerce;

(e) the Malta Insurance Institute.

Definition of the word “insurance”

9. For the purposes of this Rule, the Act defines the word “insurance” to include reinsurance, assurance and reassurance and any of their derivatives or other words as may indicate or purport to indicate the carrying on of business of insurance or the carrying out of insurance intermediaries activities or the carrying on of such business or the carrying out of such activities in any language in the description or title under which a person is carrying on such business or carrying out such activities.

Repeals and Savings

10. (1) Without prejudice to article 4(2) of the Preliminary provisions, and saving the provisions of paragraph (2) of this article, Insurance Intermediaries Directive 19 of 1999 - Persons Qualified to Make Use of the Word “Insurance”, is hereby repealed.

(2) Every action, directive, instruction, guideline or order whatsoever taken or commenced thereunder, shall continue to be valid and in force, as if such action, directive, instruction, guideline or order were taken or commenced under this Rule.