

Prudential – Insurance Business Rulebook (PIN)

*In this attachment underlining indicates new text and striking through indicates deleted text.



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1.1.2 Chapters 2, 3, 4, 6, 7 and 9 do not apply to an Insurer that is an Authorised ISPV, ~~unless expressly provided otherwise.~~

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2.5.4 (1) An Insurer intending to undertake Insurance Business in Class 7(b) must:

(3) If the Regulator decides to exercise its power under (2), the Insurer may refer the matter to the ~~Regulatory Committee Appeals Panel~~ for review.

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3.6.1 (1) Except as permitted in this Rule, an ADGM Incorporated Insurer must not effect any Direct Long-Term Insurance contract the terms of which include of the following:

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(5) If the Regulator decides to exercise its power under this Rule not to give permission or to impose conditions or restrictions or to vary or revoke permission, the Insurer may refer the matter to the ~~Regulatory Committee Appeals Panel~~ for review.

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4.4 Minimum Capital Requirement for Insurers that are Cell Companies

4.4.1 This section applies only to Insurers that are Cell Companies.

4.4.2 An Insurer that is a Cell Company must ensure that the Insurer has at all times Adjusted Non-Cellular Capital Resources equal to or higher than the amount of the Minimum Non-Cellular Capital Requirement.

4.4.3 An Insurer that is a Cell Company must ensure that at all times, in respect of each of its Cells, the Insurer has Adjusted Cellular Capital Resources equal to or higher than the amount of the Minimum Cellular Capital Requirement in respect of that Cell.

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4.6.3 The assets available to an Insurer for the purposes of Rule 4.6.2 may comprise any combination of the following types of assets:

(a) Cash at bank and in hand and deposits held with any ~~Credit Institution~~ Bank;

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5.8.2 An Insurer may not:

- (a) treat amounts recoverable from an ISPV as:
 - (i) an asset; or
 - (ii) reinsurance for the purposes of calculating its liabilities under Contracts of Insurance it has effected; or
- (b) otherwise ascribe a value to such amounts;

unless it has first obtained a waiver from the Regulator.

Guidance

In considering:

- (a) whether to grant such a waiver; and
- (b) the amount which the Regulator will allow the Insurer to bring into account for these purposes;

the Regulator will take into account the following factors:

- (i) where the ISPV is an Authorised ISPV, the Regulator will wish to be satisfied that the ISPV complies with Rules 10.1.2 to 10.1.7. The Regulator may rely on information supplied in connection with the ISPV's application for authorisation. However, if the application for a waiver is made some time after authorisation was granted, the Regulator may request confirmation that there has been no material change to the information originally supplied;

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6.6 Submission of Regulatory Returns to the Regulator

6.6.1 Subject to Rule 6.6.2, an Authorised Person must, submit its annual Regulatory Return in writing to the Regulator within four months of the Insurer's reporting date to:

ADGM Financial Services Regulatory Authority
 Supervision
 Level 4, ADGM Building
 PO Box 111999
 Abu Dhabi, U.A.E. UAE

...

- 6.6.7** Subject to Rule 6.6.8, an Authorised Person must, submit its quarterly Regulatory Return in writing to the Regulator within one month of the end of each period in respect of which the Insurer is required to prepare a quarterly Regulatory Return to:

ADGM Financial Services Regulatory Authority
 Supervision
 Level 4, ADGM Building
 PO Box 111999
 Abu Dhabi, U.A.E. UAE

...

- 6.6.11** If within twenty-four months of the date that an annual Regulatory Return or quarterly Regulatory Return is submitted to the Regulator, the Regulator notifies the Insurer that a Regulatory Return appears to be inaccurate or incomplete, the Insurer must consider the matter and within one month of the date of notification it must correct any inaccuracies and make good any omissions and re-submit the relevant parts of the Regulatory Return.

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- 6.6.13** (1) When a Regulatory Return of the kind specified under Rule 6.6.2(a) or Rule 6.6.8(a) is submitted after the due date, such non-submission incurs an administrative fee in accordance with the relevant fee as prescribed in the FEES Rulebook.
- (2) Nothing in this Rule limits the right of the Regulator to take any other action.

Guidance

If a Regulatory Return is not submitted by the date on which it becomes due, the Person is in breach of a Rule and the Regulator is entitled to take action including, but not limited to, taking steps to withdraw authorisation to conduct Regulated Activities.

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APP10 REPORTING TO THE REGULATOR

A10.1 Purpose and general provisions

- A10.1.1** This appendix applies to all Insurers.

- A10.1.2** In this appendix and the forms, unless the term 'annual Regulatory Return' or 'quarterly Regulatory Return' is used, the term 'Regulatory Return' includes both of those Regulatory Returns.

- A10.1.3** The Regulator shall specify from time to time the forms to be used for the purpose of reporting under this Appendix.

Guidance

1. The form and content of the Regulatory Returns differs according to the characteristics of the Insurer.
2. General requirements relating to the recognition and measurement of assets and liabilities are dealt with in PIN Chapter 5.
4. This appendix sets out some matters relating to content and presentation of the information contained in the Regulatory Returns. Further guidance in relation to the preparation and submission of the Regulatory Returns as specified by the Regulator and EPRS.

A10.2 Regulatory Returns for Cells, Long-Term Insurance Funds and ADGM business

Guidance

Separate Regulatory Returns are completed for Insurers' entire business, and for those parts of the business that are subject to separate capital adequacy requirements, namely Cells, Long Term Insurance Funds, and ADGM business. These parts, and the entire business, are described as 'reporting units' because a Regulatory Return is required for each. An Insurer may therefore have to submit more than one set of Regulatory Returns.

A10.2.1 A Regulatory Return must be completed in respect of each of the reporting units set out in this section that applies to the Insurer.

A10.2.2 There are four types of reporting units in respect of which an Insurer may be required to submit a Regulatory Return. These are referred to in this appendix and the forms as the global reporting unit, the Cell reporting unit, the fund reporting unit and ADGM business reporting unit. The Regulatory Returns in respect of these reporting units are referred to respectively in this appendix and the forms as the Global Return, the Cell Return, the Fund Return and ADGM Business Return.

A10.2.3 Every Insurer that is required by PIN 6 to complete a Regulatory Return must complete a Global Return. A Global Return has the following characteristics:

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A10.3 Completion of Forms

Guidance

Annual Regulatory Returns follow the cycle of the Insurer's normal statutory reporting, under the Companies Regulations 2015 in ADGM and under equivalent legislation elsewhere. Quarterly Regulatory Returns are presented on a quarter-to-quarter basis at specified dates.

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A10.3.2 Regulatory Returns must be presented in the English language.

A10.3.3 Where the format of a form requires the presentation of comparative information, the comparative information shall be presented according to the following principles:

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(c) Comparative information shall be presented unless:

- (i) the Insurer did not exist at any time during the comparative period (whether or not it was an Insurer);
- (ii) in the case of a Cell Return or a Fund Return, the Cell or Long-Term Insurance Fund to which the Regulatory Return relates did not exist at any time during the comparative period; or
- (iii) so far only as concerns ADGM Business Return, in the case of an Insurer that is not an ADGM Incorporated Insurer, the Insurer was not at any time an Insurer during the comparative period.

(d) An Insurer that is required to present comparative information in a Regulatory Return, and that was not required to prepare a Regulatory Return in respect of the comparative period, must present comparative information that would have been presented in the Regulatory Return covering the comparative period, if the Insurer had been required to prepare that Regulatory Return.

(e) Comparative information shall not be changed from the time it was first presented, unless re-presentation is necessary for the interpretation of the Regulatory Return. Where comparative information is changed, the Insurer must include in the Regulatory Return a Supplementary Note showing the nature of the change and the reason for it.

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A10.4 Statement by Directors

Guidance

1. The Statement by Directors forms a part of the annual Regulatory Return or the quarterly Regulatory Return. By providing these statements, the directors confirm that the Regulatory Returns have been properly prepared and that the Insurer complies with applicable prudential rules.
2. The Statement by Directors is set out as statements that must be made, but circumstances may arise when a statement cannot be made because it would be untrue to do so. Under such circumstances this section provides for the directors to provide an explanation in place of the omitted statement.

A10.4.1 Every Regulatory Return must include a Statement by Directors, in accordance with this section.

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