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STATUTORY INSTRUMENTS

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**1995 No. 1294**

**FEES AND CHARGES**

The Department of Trade and Industry  
(Fees) (Amendment) Order 1995

*Made* - - - - 10th May 1995  
*Coming into force* - - 11th May 1995

Whereas a draft of this order has been approved by a resolution of the House of Commons in pursuance of section 102(5) of the Finance (No. 2) Act 1987<sup>(1)</sup>:

Now, therefore, the Secretary of State, in the exercise of the powers conferred by section 102 of that Act, hereby makes the following Order:—

1. This Order may be cited as the Department of Trade and Industry (Fees) (Amendment) Order 1995, and shall come into force on the day after the day on which it is made.

2. The Department of Trade and Industry (Fees) Order 1988<sup>(2)</sup> is amended—

- (a) by inserting in article 2 after the words ““the 1977 Act” means the Patents Act 1977” the words ““the 1982 Act” means the Insurance Companies Act 1982”<sup>(3)</sup>
- (b) by inserting after article 9—

“10.—(1) In relation to the power of the Secretary of State to fix fees under section 94A of the 1982 Act, the functions specified for the purposes of section 102(3) of the Act shall be those specified in Part VII of Schedule 1 hereto.

(2) In relation to the power of the Secretary of State specified in paragraph (1) above, the matters specified for the purposes of section 102(4) of the Act shall be those specified in Part I and Part II of Schedule 2 hereto.”

- (c) by inserting after Part VI of Schedule 1—

“Part VII

21. Functions of the Secretary of State for the purposes of or in connection with sections 11 to 13, Part II, sections 75 and 78, Part IV and section 94A of the 1982

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(1) 1987 c. 51.

(2) S.I. 1988/93, amended by S.I. 1990/1473.

(3) 1982 c. 50; section 94A was inserted by the Insurance (Fees) Act 1985 (c. 46).

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Act(4) including prosecution of offences alleged to have been committed under any of those provisions or under provisions in earlier legislation which are analogous to those provisions, so far as those functions relate to insurance companies and the members of Lloyd's.

**22.** The functions of the Secretary of State in connection with proposals for United Kingdom and European Communities legislation so far as those functions relate to insurance companies and the members of Lloyd's.

**23.** The function of the Secretary of State in relation to section 98 of the 1982 Act in so far as the general annual report relates to the functions of the Secretary of State as set out in paragraphs 21 and 22 above.”

Department of Trade and Industry  
10th May 1995

*Jonathan Evans*  
Parliamentary Under-Secretary of State,

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(4) For relevant amendments see the note on amendments following this instrument.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Department of Trade and Industry (Fees) Order 1988 by specifying, for the purposes of the Finance (No. 2) Act 1987, functions and matters which are to be taken into account in the determination of fees prescribed by the Secretary of State in respect of his functions in relation to insurance companies and the members of Lloyd's.

### NOTE ON AMENDMENTS TO THE INSURANCE COMPANIES ACT 1982 RELEVANT TO REGULATION 2(c)

*(This Note is not part of the Order)*

Section 11(2)(a) was amended by section 129 of, and paragraph 7(1) of Schedule 10 to, the Financial Services Act 1986 (c. 6); section 11(2)(aa) was inserted by S.I. 1990/1333, regulation 8(1) and substituted by S.I. 1994/1696, regulation 10; Section 11(2)(ab) was inserted by S.I. 1994/1696 regulation 10 and amended by S.I. 1994/3132, regulation 10; section 11(2)(d) was inserted by S.I. 1993/3127, regulation 2(4); section 11(5) was substituted by S.I. 1993/3127, regulation 2(5) and section 11(7) was inserted by S.I. 1993/3127, regulation 2(6);

section 12(2) was amended by S.I. 1994/1696, regulation 10; section 12(2A) was inserted, by S.I. 1994/1696, regulation 10 and amended by S.I. 1994/3132, regulation 10; section 12A was inserted by S.I. 1994/1696, regulation 11.

section 13(1) and 13(2) was substituted by S.I. 1994/1696, regulation 12; section 13(2A) and 13(2) (B) was inserted by section 129 of, and paragraph 7(2) of Schedule 10 to, the Financial Services Act 1986; section 13 was modified in relation to European subsidiaries by S.I. 1992/3218, regulation 64; section 15(1A) was inserted by S.I. 1994/1696, regulation 13 and section 15(1) and 15(1A) substituted by S.I. 1994/3132, regulation 4;

section 15(3) was amended by section 300(2) of, and paragraph 31 of Schedule 2 to, the Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52);

section 15(5) was amended by S.I. 1987/2130, regulation 2(a);

section 21(1) was amended by S.I. 1991/1997, regulation 2, Schedule, paragraph 47;

section 21A was inserted by section 135 of the Financial Services Act 1986;

section 27 was amended by S.I. 1993/3127, regulation 3(2);

section 31(5) was amended and section 31(5A) inserted by S.I. 1994/3132, regulation 5; section 31(7) was amended by section 30 of, and Schedule 2 to, the Companies Consolidation (Consequential Provisions) Act 1985 (c. 9), S.I. 1986/1035 (N.I.9) article 23, Schedule 1, Part II and Section 10 of, and Schedule 2 to, the Age of Legal Capacity (Scotland) Act 1991 (c. 50);

section 31A was inserted by section 136(1) of the Financial Services Act 1986;

section 32(3) was amended by S.I. 1993/3127, regulation 3(3) and S.I. 1994/1696, regulation 14;

section 32(5) and 32(6) was amended by S.I. 1994/1696, regulation 14;

section 33(1) and 33(3) was amended by S.I. 1994/1696, regulation 14;

section 34(1) was amended by S.I. 1993/3127, regulation 3(4) and S.I. 1994/1696, regulation 15;

section 35(2) was amended by S.I. 1993/3127, regulation 3(5) and S.I. 1994/1696, regulation 16;

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section 35A was inserted by S.I. [1994/1696](#), regulation 17 and amended, and section 35A(5) inserted, by S.I. [1994/3132](#), regulation 6;

section 35B was inserted by S.I. [1994/1696](#), regulation 18;

section 37(2)(aa) was inserted by S.I. [1994/1696](#), regulation 19(1); section 37(2)(g) was amended by S.I. [1994/1696](#), regulation 19(1)(c); section 37(2)(g) was amended by S.I. [1994/1696](#), regulation 19(1); section 37(2)(h) was added by S.I. [1993/3127](#), regulation 3(6); section 37(3) was amended by S.I. [1994/1696](#), regulation 19(2); section 37(4A) was inserted by S.I. [1994/1696](#), regulation 19(3); section 37(5) was amended by S.I. [1994/1696](#), regulation 19(4);

section 38(3)(a) was amended by S.I. [1993/3127](#), regulation 3(7), and S.I. [1994/1696](#), regulation 20;

section 39(1) was substituted, section 39(2) amended, section 39(3) amended and section 39(5) substituted by S.I. [1994/1696](#), regulation 21;

section 40A was inserted by S.I. [1994/1696](#), regulation 22; section 43A was inserted by S.I. [1994/1696](#), regulation 23;

section 44(2)—(4) was amended, and section 44(6) was substituted by section 77(2) of the Companies Act [1989 \(c. 40\)](#);

section 44(2A) and 44(2B) was inserted by S.I. [1994/1696](#), regulation 24(1);

section 44(4) was amended and section 44(4A) was inserted by S.I. [1994/1696](#), regulation 24;

section 44A was inserted by section 77(3) of the Companies Act 1989;

section 45(1) and section 45(2) was amended by S.I. [1994/1696](#), regulation 25;

section 47A was added by the Companies (Consequential Provisions) Act 1985 and substituted by S.I. [1994/1696](#), regulation 26;

section 47B was inserted by section 25 of the Companies Consolidation (Consequential Provisions) Act 1985; section 47B(1) was amended by S.I. [1994/1696](#), regulation 27;

section 48(1) was amended by section 30 of, and Schedule 2 to, the Companies Consolidation (Consequential Provisions) Act 1985; section 48(2) was amended by S.I. [1986/1035 \(N.I.9\)](#), article 23, Schedule 1, Part II; section 48(3) was amended by section 30 of, and Schedule 2 to, the Companies Consolidation (Consequential Provisions) Act 1985 and S.I. [1986/1035 \(N.I.9\)](#), article 23, Schedule 1 Part II;

sections 49 to 52 was substituted by S.I. [1994/1696](#), regulation 28;

section 52A was inserted by S.I. [1990/1333](#); section 52A(1) was substituted by S.I. [1994/1696](#), regulation 29 and amended by S.I. [1994/3132](#), regulation 7(7); section 52A was amended by S.I. [1993/1741](#) regulation 3(4);

section 52B was inserted by S.I. [1994/1696](#), regulation 30 and amended by S.I. [1994/3132](#); regulation 7(8);

section 53 was amended by section 439(2) of, and Schedule 14 to, the Insolvency Act [1986 \(c. 45\)](#) and S.I. [1989/2405](#), article 381(2), Schedule 9, Part II, paragraph 33;

section 54(1) was amended by section 30 of, and Schedule 2 to, the Companies Consolidation (Consequential Provisions) Act 1985 and by section 439(2) of, and Schedule 14 to, the Insolvency Act 1986 and paragraph (bb) was inserted in this sub-section by S.I. [1990/1333](#), regulation 8(3) and substituted by S.I. [1994/1696](#), regulation 31(1); section 54(2) was amended by S.I. [1989/2405](#), article 381(2), Schedule 9, Part II, paragraph 34, and section 54(2)(bb) was inserted by S.I. [1990/1333](#), regulation 8(3) and substituted by S.I. [1994/1696](#), regulation 31(2); section 54(4) was amended by section 439(2) of, and Schedule 14 to, the Insolvency Act 1986 and S.I. [1989/2405](#), article 381(2), Schedule 9, Part II, paragraph 34;

section 55(5) and (6) was amended by section 439(2) of, and Schedule 14 to, the Insolvency Act 1986 and S.I. [1989/2405](#), article 381(2), Schedule 9, Part II, paragraph 35;

section 56(4) and (7) was amended by section 439(2) of, and Schedule 14 to, the Insolvency Act 1986 and S.I. [1989/2405](#), article 381(2), Schedule 9, Part II, paragraph 36;

section 57(1) was amended by section 235(3) of, and Schedule 10 to, the Insolvency Act [1985 \(c. 65\)](#);

section 59 was amended by section 439(2) of, and Schedule 14 to, the Insolvency Act 1986 and S.I. [1989/2405 \(N.I.19\)](#), article 381(2), Schedule 9, Part II, paragraph 37;

section 60(3) and 60(3A) was substituted by S.I. [1994/1696](#), regulation 32;

section 61(1A) and (2) was substituted for section 61(2) by S.I. [1994/1696](#), regulation 33;

section 61A and section 61B were inserted by S.I. [1994/1696](#) regulations 34 and 35;

section 61(2A) was inserted by S.I. [1992/2890](#), regulation 4;

section 62(1) was substituted, section 62(2) amended and section 62(3) inserted, by S.I. [1994/1696](#), regulation 36;

section 63(1) was amended by S.I. [1993/3127](#), regulation 3 and S.I. [1994/1696](#), regulation 37;

section 66 was amended by S.I. [1986/1035 \(N.I.9\)](#), article 23, Schedule 1 Part II and S.I. [1994/1696](#), regulation 38;

section 71(1) was amended by S.I. [1994/1696](#), regulation 39(1); section 71(2) and (3) was amended by S.I. [1984/703](#), article 19, Schedule 6, paragraph 31 and Schedule 7 and S.I. [1984/253](#), article 2(1), Schedule 1; section 71(2A) was inserted by section 77 of the Companies Act 1989; section 71(2AA) was inserted by S.I. [1994/1696](#), regulation 39(2); section 71(3) was amended by S.I. [1994/1696](#), regulation 39(3); section 71(4) was amended by S.I. [1994/1696](#), regulation 39(4), section 71(5) was amended by S.I. [1994/1696](#), regulation 39(6); section 71(6) was amended by section 77 of the Companies Act 1989; section 71(7) was amended by sections 135(2) and 136(2) of the Financial Services Act 1986 and further amended by S.I. [1994/1696](#), regulation 39(7);

section 75(1) was substituted by S.I. [1994/3132](#), regulation 9; section 75(1A) and (1B) was inserted by S.I. [1993/1327](#), regulation 2; section 75(5) was amended by S.I. [1993/1327](#), regulation 2(2); section 75(5A) to (5C) was inserted by S.I. [1993/1327](#), regulation 2(3);

section 78(1)(a) was amended by S.I. [1994/1696](#), regulation 44;

section 78(2)(aa) was inserted by section 137 of the Financial Services Act 1986;

section 82(5) was amended by S.I. [1994/1696](#), regulation 47;

section 83A was inserted by S.I. [1992/2890](#), regulation 8 and amended by S.I. [1993/174](#), regulation 2(1) and further amended by S.I. [1994/1696](#), regulation 48;

section 87 was amended by section 30 of, and Schedule 2 to, the Companies Consolidation (Consequential Provisions) Act 1985 and S.I. [1986/1035](#), article 23, Schedule 1, Part II;

section 88(1) was amended by section 30 of, and Schedule 2 to, the Companies Consolidation (Consequential Provisions) Act 1985 and S.I. [1986/1035](#), article 23, Schedule 1, Part II;

section 89 was amended by section 30 of, and Schedule 2 to, the Companies Consolidation (Consequential Provisions) Act 1985;

section 94A was inserted by the Insurance (Fees) Act [1995 \(c. 46\)](#).