

CAYMAN ISLANDS



INSURANCE (AMENDMENT) BILL, 2023

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A BILL FOR AN ACT TO AMEND THE INSURANCE ACT, 2010 TO PROVIDE FOR THE LIABILITY OF PARTNERSHIPS, LIMITED LIABILITY PARTNERSHIPS, EXEMPTED LIMITED PARTNERSHIPS, PARTNERS, UNINCORPORATED ASSOCIATIONS AND PERSONS CONCERNED IN THE MANAGEMENT OR CONTROL OF UNINCORPORATED ASSOCIATIONS FOR OFFENCES; AND FOR INCIDENTAL AND CONNECTED PURPOSES

PUBLISHING DETAILS

Sponsoring Ministry/Portfolio: Ministry of Financial Services and Commerce (FSC)



**Memorandum of
OBJECTS AND REASONS**

The Insurance (Amendment) Bill, 2023 amends the Insurance Act, 2010 (the “principal Act”) to provide for the liability of partnerships, limited liability partnerships, exempted limited partnerships, partners, unincorporated associations and persons concerned in the management or control of unincorporated associations for offences.

Clause 1 provides the short title of the legislation.

Clause 2 amends section 2 of the principal Act by inserting definitions of the words “exempted limited partnership”, “limited liability partnership” and “partnership”.

Clause 3 amends section 39 of the principal Act by repealing and substituting the section heading. The clause further amends subsection (2) to correct an incorrect reference to a “director”. Clause 3 also inserts proposed new subsections (3) and (4) to provide for the liability of —

- (a) a partner concerned in the management or control of a partnership or a limited liability partnership, or a partner who takes part in the conduct of the business of an exempted limited partnership where an offence under the principal Act is committed by the partnership, the limited liability partnership or the exempted limited partnership; and
- (b) a person concerned in the management or control of an unincorporated association other than a partnership, a limited liability partnership or an exempted limited partnership where an offence under the principal Act is committed by the unincorporated association.

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ENACTED by the Legislature of the Cayman Islands.

Short title

1. This Act may be cited as the Insurance (Amendment) Act, 2023.

Amendment of section 2 of the Insurance Act, 2010 - interpretation

2. The *Insurance Act, 2010* is amended in section 2 by inserting in the appropriate alphabetical sequence the following definitions —

“**exempted limited partnership**” has the meaning assigned by section 2 of the *Exempted Limited Partnership Act (2021 Revision)*;

“**limited liability partnership**” means a limited liability partnership registered under section 18(4) or 33(4) of the *Limited Liability Partnership Act (2021 Revision)*; and

“**partnership**” has the meaning assigned by section 3 of the *Partnership Act (2013 Revision)*.”

Amendment of section 39 of the Insurance Act, 2010 - liability of directors etc., where the offence is committed by a corporation

3. The *Insurance Act, 2010* is amended in section 39 as follows —
- (a) by repealing the section heading and substituting the following section heading —
“Offences by corporations, partnerships, limited liability partnerships etc.”; and



