



# **INSURANCE INTERMEDIARIES & MANAGERS MODULE**



**MODULE**

**IM (Insurance Intermediaries & Managers)**

**Table of Contents**

		<b>Date Last Changed</b>
<b>IM-A</b>	<b>Introduction</b>	
	IM-A.1 Purpose	01/2011
	IM-A.2 Module History	04/2012
<b>IM-1</b>	<b>Overview</b>	
	IM-1.1 Insurance Intermediaries and Managers in Bahrain	04/2005
	IM-1.2 Structure of this Guidance	04/2012
<b>IM-2</b>	<b>High Level Standards</b>	
	IM-2.1 Authorisation	04/2010
	IM-2.2 Principles of Business	04/2005
	IM-2.3 High-Level Controls	04/2011
	IM-2.4 Auditors	04/2005
	IM-2.5 General Requirements	04/2012
<b>IM-3</b>	<b>Business Standards</b>	
	IM-3.1 Capital Adequacy	04/2012
	IM-3.2 Business Conduct	04/2012
	<b>IM-3.2A Client Money</b>	04/2012
	IM-3.3 Risk Management	04/2005
	IM-3.4 Financial Crime	10/2005
<b>IM-4</b>	<b>Reporting Requirements</b>	
	IM-4.1 CBB Reporting	04/2012
	IM-4.2 Public Disclosure	04/2005
<b>IM-5</b>	<b>Enforcement and Redress</b>	
	IM-5.1 Enforcement	04/2005



<b>MODULE</b>	<b>IM:</b>	<b>Insurance Intermediaries &amp; Managers</b>
<b>CHAPTER</b>	<b>IM-A:</b>	<b>Introduction</b>

## IM-A.1 Purpose

### *Executive Summary*

IM-A.1.1 This Module summarises the key aspects of requirements applicable to insurance intermediaries and insurance managers licensed in Bahrain, which are set out in full elsewhere in the different subject Modules of Volume 3 (Insurance). This Module is intended as an introductory guide to these Regulations and Directives, for potential license applicants, insurance brokers, insurance consultants, insurance managers and other interested parties. This Module only contains guidance material; in the event of discrepancy between this Module and the rules themselves, the latter will prevail.

IM-A.1.2 For the purposes of this Module, the following terms will apply:

#### *Insurance Broker*

As per Paragraph AU-1.4.10, the broking of insurance contracts means:

- (a) Acting as an agent for another person in relation to the buying of insurance for that other person;
- (b) Making arrangements with a view to another person, whether as principal or agent, buying insurance; or
- (c) Advising on insurance.

#### *Insurance Consultant*

As per Paragraph AU-1.4.16, the offering of insurance advice (insurance consultant) means advising on insurance to third parties, without also acting as agent or making arrangements with a view to another person buying insurance.

#### *Insurance Manager*

As per Paragraph AU-1.4.20, the provision of insurance management services means the provision of management services to, or the exercising of managerial functions on behalf of, an insurance firm. An insurance manager is appointed by an insurance firm and is licensed in Bahrain to perform, under a contract of service, any managerial functions that are performed, or authority exercised, by a person who is not a Director nor an employee of the insurance firm, acting on the express or implied authority of its Board and/or General Manager. 'Managerial functions' include, but are not limited to, the effecting of contracts of insurance and the issuing of instructions for the settlement of claims.

#### *Insurance Intermediary*

For purposes of this Module, the term insurance intermediary refers to insurance brokers and insurance consultants.



<b>MODULE</b>	<b>IM:</b>	<b>Insurance Intermediaries &amp; Managers</b>
<b>CHAPTER</b>	<b>IM-A:</b>	<b>Introduction</b>

## IM-A.1 Purpose (continued)

### *Legal Basis*

#### IM-A.1.3

This Module contains the Central Bank of Bahrain's (CBB) Directive (as amended from time to time) relating to insurance intermediaries and insurance managers and is issued under the powers available to the CBB under Article 38 of the Central Bank of Bahrain and Financial Institutions Law 2006 ('CBB Law'). The Directive in this Module is applicable to insurance licensees (including their approved persons).

#### IM-A.1.4

For an explanation of the CBB's rule-making powers and different regulatory instruments, see Section UG-1.1.



<b>MODULE</b>	<b>IM: Insurance Intermediaries &amp; Managers</b>
<b>CHAPTER</b>	<b>IM-A: Introduction</b>

## IM-A.2 Module History

IM-A.2.1 This Sector Guide was first issued in April 2005 by the BMA together with the rest of Volume 3 (Insurance). Any material changes that have subsequently been made to this Module are annotated with the calendar date in which the change was made. Chapter UG-3 provides further details on Rulebook maintenance and version control.

IM-A.2.2 When the CBB replaced the BMA in September 2006, the provisions of this Module remained in force. Volume 3 was updated in January 2007 to reflect the switch to the CBB; however, new calendar quarter dates were only issued where the update necessitated changes to actual requirements.

IM-A.2.3 A list of recent changes made to this Module are detailed in the table below:

Module Ref.	Change Date	Description of Changes
IM-1.2	01/07/05	Corrected that only insurance consultants and insurance managers are exempt from statutory deposits.
IM-2.5	01/07/05	Corrected that insurance brokers are subject to statutory deposits.
IM-3.4	01/07/05	Clarified scope of application of Decree Law No. 4.
IM-2.1	01/10/05	Added the option for insurance manager to operate as a branch resident in Bahrain of a company incorporated in another jurisdiction.
IM-3.4	01/10/05	Updated cross-references to Module FC.
IM-A.1.3	01/2007	Updated to reflect new CBB Law and new Rule A.1.3 introduced categorising this Module as a Directive.
IM-2.3.3	10/2007	Amended the minimum number of Directors required to three as per amendment to Module HC.
IM-2.1.7 and 2.1.8	04/2010	Amended legal status of insurance broker and insurance consultant to be in line with amendments made to Module AU.
IM-A.1.3	01/2011	Clarified legal basis.
IM-1.2.1 and IM-2.3	04/2011	Amended to reflect changes to Module HC.
IM-1.2.1	04/2012	Added summary of newly released Module CL (Client Money).
IM-2.5.7	04/2012	Updated requirements for report on close links.
IM-3.1.2	04/2012	Updated capital requirements for insurance brokers.
IM-3.2.6	04/2012	Added requirement to have customer complaints handling procedures.
IM-3.2A	04/2012	Added Section to deal with newly released Module CL (Client Money).
IM-4.1	04/2012	Deleted reference to IMR and added new reference to Insurance broker return (Form IBR). Also added new requirement for agreed upon procedures related to compliance with Module CL.

IM-A.2.4 Guidance on the implementation and transition to Volume 3 (Insurance) is given in Module ES (Executive Summary).



<b>MODULE</b>	<b>IM:</b>	<b>Insurance Intermediaries &amp; Managers</b>
<b>CHAPTER</b>	<b>IM-1:</b>	<b>Overview</b>

## IM-1.1 Insurance Intermediaries and Managers in Bahrain

- IM-1.1.1 The functions of insurance broker and insurance consultant were in existence under the former Bahraini insurance law. The function of insurance manager as a regulated activity has been introduced with Volume 3 of the Rulebook.
- IM-1.1.2 The CBB has introduced a regulatory regime aimed at captive insurers – Module CI. In most cases, captive insurers sub-contract their day-to-day management to a professional management firm. The licensing of insurance managers will simplify the licensing requirements of captive insurers, as the parties with whom the captive insurer may sub-contract its management will have been considered in detail by the CBB's licensing requirements.
- IM-1.1.3 In accordance with the CBB's definition, the activities of insurance managers are not limited to acting on behalf of captive insurers but may also relate to non- captive insurance firms, both conventional and takaful.



<b>MODULE</b>	<b>IM: Insurance Intermediaries &amp; Managers</b>
<b>CHAPTER</b>	<b>IM-1: Overview</b>

## IM-1.2 Structure of this Guidance

IM-1.2.1 The following table lists the Modules of the CBB Insurance Rulebook and indicates those that apply to insurance brokers, insurance consultants and insurance managers. The remaining Chapters of this guide will describe in more detail the principal requirements of each Module of the Regulations and Directives that apply to insurance intermediaries and insurance managers.

### ***HIGH LEVEL STANDARDS***

<b>AU</b> (Authorisation)	Regulations and Directives dealing with the licensing requirements and conditions for providers of <u>regulated insurance services</u> . The Sections dealing with the authorisation requirements, licensing conditions, <u>approved persons</u> conditions and information requirements and processes are applicable to <u>insurance intermediaries</u> and <u>insurance managers</u> .
<b>PB</b> (Principles of Business)	Principles that are applicable to all <u>insurance licensees</u> regulated in Bahrain; these apply in full to <u>insurance intermediaries</u> and <u>insurance managers</u> .
<b>HC</b> (High-Level Controls)	Directives in respect of governance, systems and controls of licensees. Different Rules and Guidance apply depending on the type of <u>insurance intermediaries</u> and <u>insurance managers</u> .
<b>AA</b> (Auditors and Actuaries)	Directives on the appointment and functions of external <u>auditors</u> and <u>actuaries</u> of <u>insurance licensees</u> . Only those Directives dealing with <u>auditors</u> apply to <u>insurance intermediaries</u> and <u>insurance managers</u> .
<b>GR</b> (General Requirements)	Regulations and Directives dealing with requirements covering other areas not included in other Modules. These include: books and records, corporate and trade names, dividends, business transfers, <u>controllers</u> , <u>close links</u> , statutory deposits, cessation of business and professional indemnity coverage. Statutory cash deposits are required for <u>insurance brokers</u> .



<b>MODULE</b>	<b>IM:</b>	<b>Insurance Intermediaries and Managers</b>
<b>CHAPTER</b>	<b>IM-1:</b>	<b>Overview</b>

## IM-1.2 Structure of this Guidance (continued)

### *BUSINESS STANDARDS*

<b>CA</b> (Capital Adequacy)	Directives governing minimum capital and solvency requirements and the valuation of assets and liabilities. Some of these Directives apply specifically to <u>insurance intermediaries</u> and <u>insurance managers</u> . Considering the nature of their business, the requirements for capital and solvency for <u>insurance firms</u> are far more detailed than for <u>insurance intermediaries</u> and <u>insurance managers</u> .
<b>BC</b> (Business Conduct)	The Code of Business Conduct governs the sale of insurance and applies to all <u>insurance licensees</u> .
<b>CL</b> (Client Money)	Directives applicable to <u>insurance brokers</u> and <u>appointed representatives</u> dealing with the holding of <u>client money</u> .
<b>RM</b> (Risk Management)	Risk management standards applicable to licensees. Several of the requirements for risk management can be outsourced to <u>insurance managers</u> .
<b>FC</b> (Financial Crime)	Directives governing the monitoring and reporting of financial crime, including the prevention of money laundering and terrorism financing and insurance fraud.
<b>TC</b> (Training & Competency)	Directives to be developed will apply to <u>insurance intermediaries</u> and <u>insurance managers</u> .

### *REPORTING REQUIREMENTS*

<b>BR</b> (CBB Reporting)	Requirements for reporting to the CBB. Annual reporting requirements apply to <u>insurance intermediaries</u> and <u>insurance managers</u> . <u>Insurance intermediaries</u> and <u>insurance managers</u> are exempted from group and quarterly reporting requirements.
<b>PD</b> (Public Disclosure)	Module PD does not apply to <u>insurance brokers</u> , <u>insurance consultants</u> and <u>insurance managers</u> .

### *ENFORCEMENT AND REDRESS*

<b>EN</b> (Enforcement)	This Module outlines enforcement powers and processes that may be applied by the CBB and applies in full to all <u>insurance licensees</u> .
<b>DP</b> (Dispute Resolution)	Directives will be developed later.
<b>CP</b> (Compensation)	Directives will be developed later.





<b>MODULE</b>	<b>IM: Insurance Intermediaries and Managers</b>
<b>CHAPTER</b>	<b>IM-2: High Level Standards</b>

## IM-2.1 Authorisation

		<u>Rulebook reference</u>
IM-2.1.1	An entity in Bahrain must be authorised if it wishes to conduct <u>regulated insurance services</u> , including effecting insurance contracts, the broking of insurance contracts, the offering of advice to third parties and the provision of insurance management services.	AU-A.1.2
IM-2.1.2	An <u>insurance intermediary</u> may be licensed for several types of business, including general insurance, unit linked long-term insurance, long-term insurance (other than unit-linked business), reinsurance and takaful products.	AU-1.1.16, AU-1.1.18, AU-1.1.19 and AU-1.1.21
IM-2.1.3	The broking of insurance contracts refers to advising on insurance, acting as agent for another person in relation to the buying of insurance for that other person or making arrangements with a view to another person, whether as principal or agent, buying insurance. A person does not carry on the broking of insurance contracts if he falls under the definition of <u>exempt introducer</u> .	AU-1.4.10 and AU-1.4.13
IM-2.1.4	The offering of insurance advice by <u>insurance consultants</u> refers to providing advice to a person in his capacity as agent for a <u>policyholder</u> or potential <u>policyholder</u> , on the merits of entering into a <u>contract of insurance</u> as principal or agent.	AU-1.4.16
IM-2.1.5	The provision of insurance management services by <u>insurance managers</u> refers to the provision of management services or exercising the managerial functions on behalf of an <u>insurance firm</u> .	AU-1.4.20
IM-2.1.6	Licensees who were carrying out activities that fall within the definition of the regulated activity of <u>insurance broker</u> prior to 1 April 2005 may be unincorporated entities or natural persons and may continue as such until 31 December 2006.	AU-2.1.7
IM-2.1.7	New applicants for licensing as <u>insurance brokers</u> , after 1 April 2005 must be: (i) A Bahraini joint stock company (BSC); (ii) A Bahraini company with limited liability ("WLL"); (iii) A branch resident in Bahrain of a company incorporated under the laws of its territory of incorporation and (where local regulation so requires) authorised as an insurance or reinsurance intermediary in that territory, and licensed to conduct insurance business in Bahrain prior to 1st April 2009; (iv) A Bahraini exempt company (E.C.) which was incorporated and licensed to conduct insurance business prior to 1st January 2005; or (v) A Bahraini single person company which was incorporated and licensed to conduct insurance business prior to 1 <sup>st</sup> April 2009..	AU-2.1.8



<b>MODULE</b>	<b>IM: Insurance Intermediaries and Managers</b>
<b>CHAPTER</b>	<b>IM-2: High Level Standards</b>

## IM-2.1 Authorisation (continued)

		<u>Rulebook reference</u>
IM-2.1.8	For <u>insurance consultants</u> , the legal status must be: (i) A sole proprietorship registered with the Ministry of Commerce; (ii) A Bahraini single person company; (iii) A Bahraini joint stock company (BSC); (iv) A Bahraini company with limited liability ("WLL"); or (v) A Bahraini exempt company (E.C.) which was incorporated and licensed to conduct insurance business prior to 1st January 2005.	AU-2.1.11
IM-2.1.9	<u>Insurance intermediaries</u> applying for a license must do so in the form prescribed by the CBB and such application must include inter alia, details of proposed professional indemnity coverage.	AU-1.1.6
IM-2.1.10	An <u>insurance broker's</u> business activity must be restricted by its Memorandum and Articles of Association to insurance broking.	AU-2.1.10
IM-2.1.11	For <u>insurance managers</u> , the legal status must be: (i) A Bahraini joint stock company (BSC); (ii) A Bahraini company with limited liability ("WLL"); or (iii) A branch resident in Bahrain of a company incorporated under the laws of its territory of incorporation and (where local regulation so requires) authorised as an insurance or reinsurance intermediary in that territory.	AU-2.1.12
IM-2.1.12	<u>Insurance intermediaries</u> and <u>insurance managers</u> with their Registered Office in the Kingdom of Bahrain must maintain their Head Office in the Kingdom. <u>Overseas insurance licensees</u> must maintain a local management presence and premises in the Kingdom appropriate to the nature and scale of their activities.	AU-2.2.1
IM-2.1.13	All persons wishing to undertake a <u>controlled function</u> in an <u>insurance intermediary</u> or <u>insurance manager</u> must be approved by the CBB prior to their appointment ( <u>Approved Person</u> ).	AU-1.2
IM-2.1.14	<u>Insurance intermediaries</u> and <u>insurance managers</u> seeking an <u>approved person</u> authorisation for an individual, must satisfy the CBB that the individual concerned is fit and proper to undertake the <u>controlled function</u> .	AU-3



<b>MODULE</b>	<b>IM: Insurance Intermediaries and Managers</b>
<b>CHAPTER</b>	<b>IM-2: High Level Standards</b>

## IM-2.2 Principles of Business

		<u>Rulebook reference</u>
IM-2.2.1	There are 10 Principles of Business that apply to all <u>insurance licensees</u> including <u>insurance intermediaries</u> and <u>insurance managers</u> .	
IM-2.2.2	Non compliance with the Principles of Business can lead to enforcement action, which can include the calling into question of whether the firm or its management continue to meet the fitness and propriety criteria for approval.	PB-B.2.1
IM-2.2.3	<p>The Principles of Business are:</p> <ol style="list-style-type: none"> <li>1. Observing high standards of integrity and fair dealing. <u>Insurance licensees</u> and <u>approved persons</u> should be honest and straightforward in their dealings with <u>customers</u>, and disclose fully all relevant information to <u>customers</u>, as required by the CBB's Regulations and Directives.</li> <li>2. Taking all reasonable steps to identify, and prevent or manage, conflicts of interest that could harm the interests of a <u>customer</u>.</li> <li>3. Acting with due skill, care and diligence.</li> <li>4. Observing in full any obligations of confidentiality, including with respect to <u>client</u> information. This requirement does not over-ride lawful disclosures.</li> <li>5. Observing proper standards of market conduct, and avoiding action that would generally be viewed as improper.</li> <li>6. Taking reasonable care to safeguard the assets of <u>customers</u>.</li> <li>7. Paying due regard to the legitimate interests of <u>customers</u> and communicating with them in a fair and transparent manner and, when dealing with <u>customers</u> who are entitled to rely on advice or discretionary decisions, taking reasonable care to ensure the suitability of such advice or decisions.</li> <li>8. Maintaining an open and co-operative relationship with the CBB and other competent regulatory bodies and taking reasonable care to ensure that activities comply with all applicable laws and Regulations.</li> </ol>	PB-1



<b>MODULE</b>	<b>IM: Insurance Intermediaries and Managers</b>
<b>CHAPTER</b>	<b>IM-2: High Level Standards</b>

## **IM-2.2 Principles of Business (continued)**

- IM-2.2.3
9. Maintaining adequate resources, whether human, financial or otherwise, sufficient to run the business in an orderly manner.
  10. Taking reasonable care to ensure that affairs are managed effectively and responsibly, with appropriate management, and systems and controls in relation to the size and complexity of operations.

**Rulebook  
reference**



<b>MODULE</b>	<b>IM: Insurance Intermediaries and Managers</b>
<b>CHAPTER</b>	<b>IM-2: High Level Standards</b>

### IM-2.3 High-Level Controls

		<u>Rulebook reference</u>
IM-2.3.1	In accordance with Principle of Business 10, <u>insurance intermediaries</u> and <u>insurance managers</u> must put in place effective management, systems and controls for their business. The High-Level Controls Module sets out the Directives that put this principle into practice.	PB-1.10
IM-2.3.2	<u>Insurance brokers</u> and <u>insurance consultants</u> operating as a Bahraini single person company are exempt from the requirements of Module HC.	HC-B.1.1
IM-2.3.3	Some of these Rules govern the establishment, composition, functions and responsibilities of Boards of <u>Directors</u> . Except for Bahraini single person companies, all incorporated <u>insurance intermediaries</u> and <u>insurance managers</u> must have a Board, composed of a minimum of three <u>Directors</u> , which is ultimately accountable and responsible for the management and performance of the firm, in line with the Commercial Companies Law of 2001.	
IM-2.3.4	Responsibility for the day-to-day management of an <u>insurance intermediary</u> and <u>insurance manager</u> is vested in the <u>Chief Executive Officer</u> , which is a <u>controlled function</u> . For <u>insurance brokers</u> , they should consider having in place an audit committee, but are not required to have in place Nominating and Remuneration Committees. <u>Insurance consultants</u> and <u>insurance managers</u> are not required to consider the need to operate Committees.	AU-1.2.9 HC-B.1.2. HC-3.2 and HC-3.3
IM-2.3.5	The CBB expects, for <u>Bahraini insurance licensees</u> , for Bahrain to be the principal place of business and for Bahrain to be the centre of its governance and management.	AU-2.2.1 and GR-1
IM-2.3.6	The CBB requires all <u>insurance brokers</u> to establish an internal audit function to monitor the adequacy of their systems and controls.	HC-6.5



<b>MODULE</b>	<b>IM:</b>	<b>Insurance Intermediaries and Managers</b>
<b>CHAPTER</b>	<b>IM-2:</b>	<b>High Level Standards</b>

### IM-2.3 High-Level Controls (continued)

		<u>Rulebook reference</u>
IM-2.3.7	<u>Insurance intermediaries</u> and <u>insurance managers</u> must nominate a Compliance Officer. In the case of <u>insurance managers</u> , they must also be designated as the Compliance Officer for the managed firms.	
IM-2.3.8	Chapter HC-10 contains guidance applicable to <u>insurance consultants</u> and <u>insurance managers</u> in respect of financial statement certification, appointment, training and evaluation of the Board, remuneration of <u>approved persons</u> , management structure, corporate ethics, communication between the Board and shareholders and corporate governance disclosure.	HC-10



<b>MODULE</b>	<b>IM:</b>	<b>Insurance Intermediaries and Managers</b>
<b>CHAPTER</b>	<b>IM-2:</b>	<b>High Level Standards</b>

## IM-2.4 Auditors

		<u>Rulebook reference</u>
IM-2.4.1	<u>Insurance intermediaries</u> and <u>insurance managers</u> must have an annual external audit. Firms must obtain prior written approval from the CBB before appointing or re-appointing their <u>auditor</u> .	AA-1.1.1
IM-2.4.2	There are specific Rules and Guidance governing the duties and restrictions of external <u>auditors</u> .	AA-1



<b>MODULE</b>	<b>IM:</b>	<b>Insurance Intermediaries and Managers</b>
<b>CHAPTER</b>	<b>IM-2:</b>	<b>High Level Standards</b>

## IM-2.5 General Requirements

		<u>Rulebook reference</u>
IM-2.5.1	<u>Insurance intermediaries</u> and <u>insurance managers</u> are expected to maintain books and records sufficient to produce financial statements and show a record of the business undertaken.	GR-1.1
IM-2.5.2	Where an <u>insurance manager</u> maintains the books and records of a <u>captive insurer</u> or another <u>insurance firm</u> , these records must be sufficient to allow an audit or an on-site examination by the CBB of the <u>captive insurer</u> or <u>insurance firm</u> .	GR-1.1.4
IM-2.5.3	An <u>insurance broker</u> must maintain separate <u>client</u> accounts separate from those used for its own funds.	GR-1.2.9 to GR-1.2.12
IM-2.5.4	<u>Insurance intermediaries</u> and <u>insurance managers</u> require prior approval from the CBB for their corporate name and any trade names.	GR-2.1
IM-2.5.5	<u>Bahraini insurance intermediaries</u> and <u>Bahraini insurance managers</u> require CBB pre-approval for the distribution of dividends to <u>shareholders</u> .	GR-3.1
IM-2.5.6	All requirements dealing with <u>controllers</u> apply in full to <u>insurance intermediaries</u> and <u>insurance managers</u> .	GR-5
IM-2.5.7	Requirements dealing with <u>close links</u> apply in full to <u>insurance intermediaries</u> and <u>insurance managers</u> . <u>Annual reporting requirements of close links apply only to insurance firms and insurance brokers.</u>	GR-6
IM-2.5.8	<u>Insurance brokers</u> are required to maintain a statutory cash deposit with a retail bank licensed to do business in Bahrain.	GR-7.1.4
IM-2.5.9	<u>Insurance brokers</u> and <u>insurance consultants</u> must maintain professional indemnity coverage in line with the requirements outlined in Chapter GR-10.	GR-10





<b>MODULE</b>	<b>IM: Insurance Intermediaries and Managers</b>
<b>CHAPTER</b>	<b>IM-3: Business Standards</b>

## IM-3.1 Capital Adequacy

		<u>Rulebook reference</u>
IM-3.1.1	Principle 9 requires <u>insurance licensees</u> to hold adequate financial resources for the needs of the business. The Capital Adequacy Module sets out in detail the minimum financial resources requirements for <u>insurance licensees</u> . In addition, it is the responsibility of Boards of <u>insurance licensees</u> to make their own assessment of the financial resources needed to meet their liabilities.	PB-1.9
IM-3.1.2	<u>Bahraini insurance brokers</u> must maintain in their insurance brokerage business at all times the greater of: (a) A minimum <u>net assets</u> value of BD 50,000; (b) 4% of <u>fiduciary liabilities</u> ; or (c) 4% of annual income from <u>global insurance broking activities</u> .  There are no minimum capital and net asset requirements for <u>overseas insurance brokers</u> . However, for <u>overseas insurance brokers</u> , financial statements of the parent company must be submitted to the CBB for review, in order to assess the financial stability of the group on a global basis.	CA-1.3
IM-3.1.3	<u>Insurance consultants</u> and <u>insurance managers</u> must possess financial resources commensurate with the scale and nature of their insurance consultancy or management activities. There are no minimum capital and net assets requirements applicable to <u>insurance consultants</u> and <u>insurance managers</u> . However, Principle 9 does apply and the CBB may suspend or revoke the license of any <u>insurance consultant</u> or <u>insurance manager</u> whom it reasonably considers does not possess financial resources commensurate with the scale and nature of its insurance consultancy or management activities.	CA-1.4



<b>MODULE</b>	<b>IM:</b>	<b>Insurance Intermediaries and Managers</b>
<b>CHAPTER</b>	<b>IM-3:</b>	<b>Business Standards</b>

## IM-3.2 Business Conduct

		<u>Rulebook reference</u>
IM-3.2.1	The Business Conduct Module comprises general rules (BC-1) and a Code of Practice (BC-2). These rules apply in full to <u>insurance intermediaries</u> . However, it should be noted that Module BC is principles-based.	BC-A.1
IM-3.2.2	The CBB expects the <u>insurance manager</u> to consider the requirements of the Code in relation to the service provided, on behalf of the captive or <u>insurance firm</u> , to its 'clients', namely insured members of the group.	BC-B.1.4
IM-3.2.3	Other than a <u>client</u> who is an unincorporated entity with a turnover exceeding BD 1 million per year, an <u>insurance intermediary</u> must draw the <u>client's</u> attention to the status of the <u>insurance firm</u> – whether or not the <u>insurance firm</u> is locally licensed (as a <u>Bahraini insurance firm</u> or <u>overseas insurance firm</u> ) and, if not, the reasons for recommending or choosing that <u>insurance firm</u> . In respect of these <u>clients</u> , this advice must be delivered in writing.	BC-2.6.4
IM-3.2.4	<u>Insurance intermediaries</u> acting on behalf of <u>customers</u> in arranging their insurance must, on request, disclose the amount of commission payable to them from the insurance premium, and any other remuneration received for arranging the insurance contract.	BC-2.6.6
IM-3.2.5	Licenses must avoid conflicts of interest, or if conflicts are unavoidable, must explain the position fully and manage the situation so as to avoid prejudice to any party.	BC-2.13
IM-3.2.6	Licenses must have appropriate customer complaints handling procedures and systems for effective handling of complaints.	BC-4



<b>MODULE</b>	<b>IM:</b>	<b>Insurance Intermediaries and Managers</b>
<b>CHAPTER</b>	<b>IM-3:</b>	<b>Business Standards</b>

## IM-3.2A Client Money

		<u>Rulebook reference</u>
IM-3.2A.1	The Client Money Module outlines the requirements that <u>insurance brokers</u> have to meet with regards to holding <u>client money</u> for which they are responsible.	CL-A.1
IM-3.2A.2	Where an <u>insurance broker</u> receives payment from a client, it must maintain one or more premiums/contributions account and held <u>client money</u> separate from its own money.	CL-1.1.1
IM-3.2A.3	<u>Insurance brokers</u> must ensure that they maintain proper records, sufficient to show and explain their transactions and commitments in respect of their <u>client money</u> .	CL-1.2.1
IM-3.2A.4	Unremitted insurance premiums held in the <u>client money account</u> and uncollected premiums from insureds must be recorded as <u>fiduciary assets</u> on the balance sheet of the <u>insurance broker</u> .	CL-1.3.4
IM-3.2A.5	<u>Insurance brokers</u> must pay to <u>insurance firms</u> premiums/contributions received no later than 15 calendar days from the date of the receipt of such amounts.	CL-2.3.3
IM-3.2A.6	For brokerage activities, <u>insurance brokers</u> are prohibited from collecting additional charges (other than the quoted premiums/contributions) from clients.	CL-2.3.5
IM-3.2A.7	Brokerage charged by <u>insurance brokers</u> cannot exceed 15% of the premiums/contributions quoted by <u>insurance firms</u> for motor and medical classes of business of direct general insurance business.	CL-2.4.2



<b>MODULE</b>	<b>IM: Insurance Intermediaries and Managers</b>
<b>CHAPTER</b>	<b>IM-3: Business Standards</b>

### IM-3.3 Risk Management

		<u>Rulebook reference</u>
IM-3.3.1	Principle 10 (IM-2.2.3) requires firms to have systems and controls that are adequate for their business. Consequently, the Risk Management Module of the CBB Rulebook contains Rules and Guidance on how, specifically, <u>insurance licensees</u> should monitor and manage risk. This Module applies in full to <u>insurance brokers</u> , except for the Sections dealing with market risk (RM-4.1) and insurance technical risk (RM-5.1). This Module does not apply to <u>insurance consultants</u> and <u>insurance managers</u> .	PB-1.10 and RM-B.1.1 RM-B.1.6
IM-3.3.2	The Module contains both: <ul style="list-style-type: none"> <li>• General requirements (on the overall management of risk); and</li> <li>• Specific requirements on the management of specific risk classes.</li> </ul>	RM-1 RM-2 to RM-8
IM-3.3.3	While the business of <u>insurance managers</u> is not subject to this Module, clients of <u>insurance managers</u> that are <u>insurance firms</u> , such as <u>captive insurers</u> , are subject to the requirements of this Module. The <u>insurance manager</u> , in fulfilling its obligations to its clients, therefore needs to manage the affairs of its clients in accordance with the requirements of the Rulebook, including this Module.	RM-B.1.7



<b>MODULE</b>	<b>IM: Insurance Intermediaries and Managers</b>
<b>CHAPTER</b>	<b>IM-3: Business Standards</b>

### IM-3.4 Financial Crime

		<u>Rulebook reference</u>
IM-3.4.1	The general law of Bahrain imposes obligations on individuals and firms in relation to the prevention and prohibition of the laundering of money. All <u>insurance licensees</u> are subject to the statutory requirements of this Law.	Decree Law No. 4
IM-3.4.2	Chapters FC-1 to FC-9 applies to <u>insurance firms</u> and <u>insurance brokers</u> . Where <u>captive insurers</u> are managed by an <u>insurance manager</u> , these Chapters are also to be applied to the <u>insurance manager</u> . This Module must be applied when dealing with new <u>clients</u> and when renewing policies or other insurance arrangements.	FC-B.1.1
IM-3.4.3	Chapter FC-10 dealing with insurance fraud, applies to all <u>insurance licensees</u> .	FC-B.1.4
IM-3.4.4	Chapter FC-1 outlines the requirements for customer due diligence. In the case of <u>captive insurance firms</u> it is expected that this identity will be apparent both from the ownership of the captive and the origin of insurance premiums from traceable bank accounts. In this case, no further verification will be needed as a matter of routine, although this does not exempt firms and individuals from reporting any transaction that they consider suspicious in nature.	FC-1
IM-3.4.5	The reporting of suspicious transactions is the responsibility of the firm's Money Laundering Reporting Officer ('MLRO'). <u>Captive insurance firms</u> that are managed by an <u>insurance manager</u> are specifically exempted from appointing a MLRO, as the <u>insurance manager</u> must appoint one to perform these responsibilities for all firms under its management.	FC-3.1.1 and FC-3.1.2
IM-3.4.6	The MLRO will prepare an annual report on compliance with the anti-money laundering and combating terrorism financing controls and procedures. The Boards of captive firms will need to include the consideration of this report as a standing item for Board meetings each year.	FC-3.3
IM-3.4.7	Appendix FC-(iv), contained in Part B of the CBB Rulebook, provides guidance material and examples of transactions that would be considered suspicious for the purposes of this Directive.	Appendix FC-(iv)



<b>MODULE</b>	<b>IM: Insurance Intermediaries and Managers</b>
<b>CHAPTER</b>	<b>IM-4: Reporting Requirements</b>

## IM-4.1 CBB Reporting

		<u>Rulebook reference</u>
IM-4.1.1	<u>Insurance consultants</u> and <u>insurance managers</u> must submit to the CBB <u>the audited financial statements</u> for each financial year. They are exempted from quarterly reporting and from group financial reporting to the CBB.	BR-1.2
IM-4.1.1A	<u>Insurance brokers</u> must prepare and submit to the CBB an Insurance Broker Return (Form IBR) for each financial year, within <u>2 months of the insurance broker's financial year end.</u>	BR-1.2A
IM-4.1.2	Details of the content of the Insurance <u>Broker</u> Return (Form IBR) can be found in BR-1. <u>2A.6</u> . The Return must be: <ul style="list-style-type: none"> <li>(a) Deposited with the CBB within 3 months of the year end;</li> <li>(b) Reviewed by the external <u>auditor</u> based on agreed-upon procedures; and</li> <li>(c) Be accompanied by a <u>Directors' Certificate</u>.</li> </ul>	BR-1. <u>2A.6</u>  BR-1.2 <u>A.1</u> BR-1.2 <u>A.14</u> BR-1.2 <u>A.11</u>
IM-4.1.2A	<u>Insurance brokers</u> must submit to the CBB within 3 months from the financial year-end, a report as to the quality of the <u>insurance broker's</u> procedures dealing with the <u>insurance broker's</u> fiduciary assets/liabilities and compliance with Module CL (Client Assets)	BR-1.5.4
IM-4.1.3	<u>Insurance intermediaries</u> and <u>insurance managers</u> must disclose to the CBB material information about changes in their situation including (but not limited to): <ul style="list-style-type: none"> <li>(a) Significant breaches in Rules and other requirements;</li> <li>(b) Civil, criminal, and disciplinary procedures, fraud, errors and other irregularities;</li> <li>(c) Financial difficulties, breach of minimum solvency requirements, insolvency, bankruptcy, winding-up;</li> <li>(d) Changes in <u>auditors</u> and <u>actuaries</u>;</li> <li>(e) Changes in address, legal status etc.; and</li> <li>(f) Changes in <u>controllers</u> and <u>close links</u>.</li> </ul>	BR-2.2.4 BR-2.2.6 to 2.2.8  BR-2.2.11 BR-2.3.29 BR-2.3.3 BR-2.3.7
IM-4.1.4	<u>Insurance intermediaries</u> and <u>insurance managers</u> are required to maintain an open relationship with the supervisor and must permit representatives of the CBB, or persons appointed for the purpose by the CBB to have access, with or without notice, during reasonable business hours to any of their business premises in relation to the discharge of the CBB's functions under the relevant law. The CBB does have powers to request information and commission a report on the firm's business.	BR-3.1 BR-3.2



<b>MODULE</b>	<b>IM:</b>	<b>Insurance Intermediaries and Managers</b>
<b>CHAPTER</b>	<b>IM-4:</b>	<b>Reporting Requirements</b>

## IM-4.2 Public Disclosure

IM-4.2.1 The Public Disclosure Module of the CBB Rulebook does not apply to insurance brokers, insurance consultants and insurance managers.

**Rulebook  
reference**  
PD-B.1.4



<b>MODULE</b>	<b>IM:</b>	<b>Insurance Intermediaries and Managers</b>
<b>CHAPTER</b>	<b>IM-5</b>	<b>Enforcement and Redress</b>

## IM-5.1 Enforcement

IM-5.1.1 The Enforcement Module of the CBB Rulebook applies in full to all insurance licensees.

**Rulebook  
reference**

EN