



Restriction on the use of words associated with insurance

Guidelines Licensed insurers

Operational Policy
Prudential Supervision Department

September 2013

Purpose of this guideline

- 1 This document sets out the Reserve Bank of New Zealand's (Reserve Bank) guidelines in relation to the restriction on the use of words associated with insurance. These guidelines elaborate on [sections 219 – 220](#) of the [Insurance \(Prudential Supervision\) Act 2010](#) (the Act).
- 2 This guideline relates solely to the requirements under the Act, and does not cover requirements of other legislation that may also be of relevance to licensed insurers.
- 3 Nothing in this guide overrides the provisions of the Act.

Approval guidelines

- 4 [Section 219](#) of the Act restricts the use of words associated with insurance from being used in a person's name other than by a licensed insurer or by another type of person described in [section 220](#) of the Act.
- 5 The restricted words are:
 - (a) insurance;
 - (b) assurance;
 - (c) underwriter;
 - (d) reinsurance; and
 - (e) any similar term or word with a similar meaning to the above.
- 6 [Section 220](#) explains which persons, other than a licensed insurer, can use these words in their name. These persons are persons carrying on their activity in New Zealand and include insurance loss assessors and loss adjustors, insurance brokers and intermediaries and non-profit industry associations that perform one or more of the functions listed in [section 220\(3\)](#) of the Act.

- 7 Examples of entities and activities that would be prohibited from using these restricted words are:

- (a) An internet-based insurer wanting to incorporate in New Zealand with no New Zealand policyholders or intention to market to New Zealanders.
- (b) A person that is not involved in insurance activity, either as an insurer or as a person described in [section 220\(3\)](#).
- (c) A captive insurer that is incorporated in New Zealand and which insures offshore risks.

Commencement date

- 8 [Sections 219](#) and [220](#) came into force on 7 March 2012.

Exemption applications

- 9 Persons, other than a licensed insurer carrying on business in New Zealand, that are prohibited from using one of the restricted words but who want to use one of these words and who have a legitimate reason for doing so and are not carrying on insurance business in New Zealand, may apply to the Reserve Bank for an exemption from [section 220](#) of the Act.
- 10 A legitimate reason to use a restricted word or a similar term may exist where it is clear that a person will not be carrying on insurance business in New Zealand.
- 11 Without limiting reasons that may be considered legitimate, the Reserve Bank will have regard to:
 - (a) whether the usage of the name by the person predates the legislation;
 - (b) whether the name is derived from an overseas entity;
 - (c) whether the name is derived from a corporate group;

- (d) whether it is clear from the context that the restricted word bears a meaning that does not connote insurance; and
- (e) the nature and extent of the entity's interaction with the public.
- 12** However, each decision will be made on the particular facts of the case, taking account of the purposes of the Act. Consent will only be granted if the Reserve Bank is satisfied that the public would not be led to believe that the person is a licensed insurer.
- 13** In a request for an exemption, a person should specify:
- (a) the proposed business name that uses the restricted word;
- (b) description of how the restricted word will be used, e.g. domain name;
- (c) summary of the nature of the activities the business will carry out;
- (d) the reason(s) why they wish to use the restricted word or expression; and
- (e) any other information relevant to the application.
- 14** The Reserve Bank may seek further information in order to evaluate an application.
- 15** An exemption may be granted unconditionally or subject to one or more conditions.
- 16** Note that any exemption granted will be made publicly available on our website.
- 17** Applications for use of a restricted word should be sent to the address below:
- The Manager
 AML, Licensing and Investigations
 Reserve Bank of New Zealand
 PO Box 2498
 Wellington 6140
- or
- Send your letter on-line to: [contact us](#) on our website.



Website

<http://www.rbnz.govt.nz/regulation-and-supervision/insurers>

Email

restrictedword@rbnz.govt.nz

Mail

Reserve Bank of New Zealand
Prudential Supervision – AML, Licensing and Investigations
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