Insurance, legal and regulatory principles 2022



Learning Outcome Assessment Criteria Indicative Content

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1	Understand the nature	1.1	Describe the concepts of risk and	1.1.1	Definitions of risk.
9	and main features of risk		risk perception.	1.1.2	Alternative meanings of risk.
questions	within the insurance			1.1.3	Risk and uncertainty.
	environment.			1.1.4	Attitude to risk.
		1.2	Explain the risk management	1.2.1	Definition.
			function and process.	1.2.2	Stages - risk identification, analysis and control.
				1.2.3	Insurers role in loss prevention and control.
				1.2.4	Examples of risk management tools used by insurers.
				1.2.5	Professionals and industry bodies relevant to risk management.
		1.3	Describe the various categories of	1.3.1	Financial and non financial definitions.
			risk.	1.3.2	Pure and speculative.
				1.3.3	Particular and fundamental.
				1.3.4	Benefit policies.
				1.3.5	Relationship between risks.
		1.4	Explain the types of risk that can be	1.4.1	Requirements for insurability - fortuitous event, insurable interest, public
			insured and the types of risk that		policy, homogenous exposures.
			cannot.	1.4.2	Examples of risks that can and cannot be insured.
		1.5	Describe the components of risk.	1.5.1	Uncertainty.
				1.5.2	Level of Risk.
				1.5.3	Peril and Hazard.
				1.5.4	Frequency and Severity.
				1.5.5	Risk factors for insurers and the way they model risk.
		1.6	Understand the relationship	1.6.1	Define the relationship.
			between frequency and severity and how they are applied.	1.6.2	Common examples to illustrate the concept.
		1.7	Explain the difference between a	1.7.1	Definition of peril.
			peril and hazard as they relate to	1.7.2	Definition of hazard.
			insurance.	1.7.3	How the two interact with some common examples.



	Learning Outcome		Assessment Criteria		Indicative Content
		ı			
2	Know how to apply the	2.1	Apply the main features of risk and	2.1.1	Indicative examples and outcomes.
2	main features of risk and		risk management to different sets	2.1.2	Physical and moral hazards.
questions	risk management to a		of circumstances/scenarios.		· ·
•	given set of circumstances.			2.1.3	Application across home, motor, commercial and pet insurance.
3	Understand the main	3.1	Explain the need for insurance.	3.1.1	Define what is meant by risk transfer mechanism.
8	features of insurance.	3.1	Explain the need for insurance.	3.1.2	Peace of mind.
questions	reactives of mountainee.			3.1.3	Macro and micro economic stability.
questions		3.2	Explain the basis of insurance as a	3.2.1	What is risk transfer.
		3.2	risk transfer mechanism.	3.2.2	Law of large numbers and the pooling of risks.
				3.2.3	Equitable premiums.
		3.3	Describe how insurance benefits	3.3.1	Examples of how insurance benefits individual consumers.
			policyholders and society in general.	3.3.2	Examples of how insurance protects businesses.
				3.3.3	Examples of how insurance benefits the economy.
		3.4	Explain the term coinsurance and how this is used in two distinct ways in the insurance market.	3.4.1	Where an insured covers a percentage of a risk.
				3.4.2	Where more than one insurer covers a percentage of a risk.
				3.4.3	Define the impact of franchises, excesses and deductibles.
				3.4.4	Explain why sharing of risks may benefit insurers and insureds.
		3.5	Describe what is meant by dual insurance and self-insurance.	3.5.1	Define dual insurance and how it is different from coinsurance.
				3.5.2	Define self insurance.
				3.5.3	Distinguish between coinsurance, dual insurance and self insurance.
		3.6	Describe the main classes of	3.6.1	Define each class of insurance including property insurance, pecuniary
			insurance.		insurance, motor insurance, liability insurance, marine and aviation
					insurance, health and combined or package policies.
				3.6.2	Detail the main elements of cover for each class of business.
		3.7	Explain the purpose of Insurance	3.7.1	Describe purpose (solely to collect revenue) for government.
			Premium Tax.		
		3.8	State the current rates of Insurance	3.8.1	State current rates and how they differ - (1) Standard rate currently 12%
			Premium Tax and how it is		and which policies (2) Higher rate of 20% and which policies (3) Exempt
			collected.		policies.
				3.8.2	Who collects on a policy by policy basis.



Learning Outcome	Assessment Criteria	Indicative Content

4	Know the structure and	4.1	Describe the structure of the	4.1.1	Define buyers and detail sub buyers.
14	main features of the		insurance market and the five main	4.1.2	Role of insurers.
questions	insurance market.		groups of people.	4.1.3	Role of intermediaries.
				4.1.4	Role of comparison websites (aggregators).
				4.1.5	Role of reinsurers.
		4.2	Describe the main categories of	4.2.1	Proprietary companies.
			insurer in terms of ownership.	4.2.2	Mutual Companies.
				4.2.3	Captive Companies including protected cell companies.
				4.2.4	Lloyd's.
				4.2.5	Composite companies.
				4.2.6	Specialist insurers.
		4.3	Explain the structure of the Lloyd's market and main features.	4.3.1	What is Lloyds and how does it differ from the rest of the market.
		4.4		4.3.2	Who invests and owns Lloyd's.
				4.3.3	Role of the different stakeholders in Lloyd's syndicates, managing agents, members agent, Council of Lloyds.
				4.3.4	Transacting business - Lloyds brokers and Market Reform Contracts and how a contract is made.
				4.3.5	Access to the Lloyds Market.
				4.3.6	Main focus of cover provided.
			Describe the London Market.	4.4.1	Definition of the London Market.
				4.4.2	Describe the purpose of this market nationally and internationally.
				4.4.3	The key stakeholders in the London Market.
		4.5	Describe the distribution channels	4.5.1	Explain role of intermediary.
			used for the selling of insurance.	4.5.2	Agents.
1				4.5.3	Brokers.
				4.5.4	Lloyd's Brokers.
				4.5.5	Role of authorised persons and appointed representatives.
				4.5.6	Direct insurance.
				4.5.7	Price comparison websites (aggregators).



Learning Outcome		Assessment Criteria		Indicative Content Standards. Professionalism rust
	4.6	Explain the purpose of reinsurance.	4.6.1	Benefits and purpose of reinsurance.
			4.6.2	Smoothing peaks and troughs.
			4.6.3	Protecting portfolio of business.
			4.6.4	Improving product range.
	4.7	Describe the key roles of professionals in insurance.	4.7.1	Explain the role examples of - underwriters, claims personnel, loss adjusters, loss assessors, surveyors and those providing forensic services, actuaries, risk managers and compliance officers.
	4.8	Explain the main functions of the principal market organisations.	4.8.1	Association of British Insurers. British Insurance Brokers Association. International Underwriting Association of London. London Market Regional Committee. London and International Insurance Brokers Association. Lloyd's Market Association. Managing General Agents Association. Chartered Insurance Institute. Chartered Institute of Loss Adjusters. Institute and Faculty of Actuaries. Institute of Risk Management. Association of Insurance and Risk Managers in Industry and Commerce. Motor Insurers' Bureau.



	Learning Outcome		Assessment Criteria		Indicative Content
5	Understand contract and	5.1	Describe the essential elements of	5.1.1	Offer and acceptance.
9	agency.		a valid contract.	5.1.2	Consideration.
questions				5.1.3	Intention to create legal relations.
				5.1.4	Capacity to contract.
				5.1.5	Consensus ad idem.
				5.1.6	Legality of purpose.
				5.1.7	Possibility of performance.
				5.1.8	Contract certainty of terms.
				5.1.9	Parties to a contract.
				5.1.10	Evidence of the contract.
		5.2	Explain conditional and	5.2.1	Define conditional acceptance.
			unconditional acceptance of a contract.	5.2.2	Define unconditional acceptance.
		5.3	Describe consideration which	5.3.1	Definition of consideration.
			supports the contract.	5.3.2	Examples of where there is and is not consideration.
				5.3.3	Impact of no consideration in a contract.
		5.4	Explain how contracts can be	5.4.1	Cancellation and method.
			cancelled or terminated.	5.4.2	Insured and insurers rights at cancellation.
				5.4.3	Fulfilment.
				5.4.4	Voidable contracts.
				5.4.5	Breach of warranty.
				5.4.6	Fraud.
		5.5	Describe methods of creating an	5.5.1	Agency by consent and Terms of Business Agreements.
			agent/ principal relationship.	5.5.2	Agency by necessity.
				5.5.3	Agency by ratification.
		5.6	Describe the duties of an agent and	5.6.1	Agent - compliance with instructions.
			the duties of a principal.	5.6.2	Personal performance.
				5.6.3	Due care and skill.
				5.6.4	Good faith.
				5.6.5	Accountability.
				5.6.6	Principal - remuneration.
				5.6.7	Indemnity.



Learning Outcome	Assessment Criteria		Indicative Content Standards. Professionalism Trust
5.	7 Explain the consequences of an	5.7.1	Explain when a principal is bound by the acts of an agent.
	agent's actions on the principal.	5.7.2	Actual authority (express and implied).
	agent a decrease on the principal	5.7.3	Apparent authority.
		5.7.4	Consequences for both the agent and the principal for actions that have not been agreed.
5.	8 Describe what should be included	5.8.1	General requirements
	in a Terms of Business Agreement		a) Clear and succinct.
	(TOBA) between insurers and		b) Reflection business relationship.
	intermediaries.		c) Define responsibilities and rights.
			d) Regulatory and statutory compliance.
		5.8.2	Status.
		5.8.3	Commission.
		5.8.4	Material information.
		5.8.5	Premiums and credit.
		5.8.6	Claim money.
		5.8.7	Broker/client relationship.
		5.8.8	Direct admin.
		5.8.9	Claims.
		5.8.10	Termination.
		5.8.11	Regulatory requirements.



	Learning Outcome		Assessment Criteria		Indicative Content
		1			
6	Understand the principle	6.1	Define insurable interest and its	6.1.1	Definition of insurable interest.
5	of insurable interest.		components.	6.1.2	Explanation of components
questions					(i) Subject matter.
					(ii) Legal relationship.
					(iii) Financial value.
		6.2	Explain the timing of insurable	6.2.1	Describe in general the importance of timing of insurable interest for
			interest.		different classes of business.
		6.3	Explain how insurable interest can	6.3.1	Explain three methods insurable interest can arise from
			arise.		(i) Common law.
					(ii) Contract.
					(iii) Statute.
		6.4	Explain the application of insurable	6.4.1	Property
			interest to property and liability		(i) Part or joint owners.
			insurance contracts.		(ii) Agents.
					(iii) Bailees.
					(iv) Tenants (all with examples) Liability - examples of liability under
					common law and contract.



	Learning Outcome		Assessment Criteria		Indicative Content
7 11	Understand the principle of good faith.	7.1	Explain the principle of good faith and how this applies to contracts	7.1.1	Definition of good faith. Who it applies to.
questions		7.2	of insurance. Explain how the duty of fair	7.2.1	Definition of fair presentation.
			presentation operates in insurance policies and how it can be altered in terms of the policy.	7.2.2	Circumstances when this may be modified by policy. Changes to material circumstances.
		7.3	Define material circumstances.	7.3.1	Definition of material circumstances.
		7.4	Identify and distinguish between	7.3.2 7.4.1	Current legislation. Explanation of physical and moral hazards.
			physical and moral hazards in relation to a proposal.	7.4.2	Application of these concepts.
		7.5	Explain an insurer's right to information.	7.5.1 7.5.2	Explain why insurers have a right to information. Material Circumstances definition and application in insurance.
				7.5.3	Waiving of rights to information.
		7.6	Explain material circumstances that do not require disclosure.	7.6.1	Explain what information does not need to be disclosed to an insurer and why (i) Facts of law. (ii) Facts of public knowledge. (iii) Facts that lessen the risk. (iv) Facts where insurer has waived right. (v) Facts on a survey. (vi) Facts outside knowledge of insured. (vii) Facts outside scope of specific questions. (viii) Facts covered by policy terms. (ix) Spent convictions.
		7.7	Explain the consequences of non-	7.7.1	Voiding, avoiding ab initio and repudiating the claim.
			disclosure or a breach of the duty of fair presentation.	7.7.2 7.7.3	Impact of Financial Conduct Authority rules. Impact of Financial Ombudsman Service approach.
			•	7.7.4	Where the insurer cannot act on the breach.



	Learning Outcome		Assessment Criteria		Indicative Content
8	Understand the doctrine	8.1	Explain the meaning of proximate	8.1.1	Define proximate cause.
2 questions	of proximate cause and its application to non- complex claims.	8.2	Apply proximate cause to scenarios that relate to non-complex claims.	8.2.1	Provide simple scenarios.
9	Understand the principle	9.1	Define the principle of indemnity.	9.1.1	Illustrate the definition and meaning of indemnity.
7	of indemnity and how	9.2	Explain the settlement options	9.2.1	Cash payment.
questions	this is applied to		available to insurers which will provide the insured with the necessary indemnity.	9.2.2	Repair.
	contracts of insurance.			9.2.3	Replacement.
				9.2.4	Reinstatement.
		9.3	Identify and distinguish between indemnity and benefit policies.	9.3.1	Define indemnity policy.
				9.3.2	Define benefit policy.
				9.3.3	Explain how calculation of payments under each policy differ.
		9.4	Explain what is meant by agreed	9.4.1	Explain and give examples of claim scenarios for agreed value policies.
			value policies, first loss policies and	9.4.2	First loss policies.
			new for old cover.	9.4.3	New for old cover.
		9.5	Calculate a non-complex claim	9.5.1	What is underinsurance.
			payment, subject to the pro rata	9.5.2	What is average.
			condition of average.	9.5.3	Why it is applied.
				9.5.4	How it is calculated with the relevant formula and examples.



	Learning Outcome		Assessment Criteria		Indicative Content
10 4 questions	Understand the principles of contribution and subrogation.	10.1	Explain the principle of contribution and when and how it applies to the sharing of claim payments between insurers in straightforward property cases.	10.1.1	Definition of contribution and how it arises. Methods of calculating (rateable proportion and independent liability) contribution with examples.
		10.2	Explain the principle of subrogation and why it may or may not be pursued in simple circumstances.	10.2.1 10.2.2 10.2.3 10.2.4	Definition of subrogation. Who impacted by insurance contract wording. Why it may not be pursued. Precluded subrogation rights a) Insured has no rights. b) Benefit policies. c) Subrogation waiver. d) Negligent fellow employees.
11 15 questions	Understand the main regulatory and legal requirements applicable to the transaction of insurance business.	11.1	Explain the reasons for compulsory insurance and describe the types of insurances which are compulsory in the UK. Explain the application of the Consumer Rights Act 2015 in relation to insurance contracts.	11.1.1 11.1.2 11.1.3 11.1.4 11.2.1	Purpose of compulsory insurance. Motor. Employers' liability. Other compulsory insurances. Importance of Consumer Rights Act 2015 in protecting consumers against unfair terms in a contract. When terms may be deemed to be unfair.
		11.4	Explain the Contracts (Rights of Third Parties) Act 1999 in relation to insurance contracts. Explain the role of the financial	11.3.1 11.3.2 11.4.1	Explain privity of contract. Explain provisions of the Act and its purpose. Explain role of regulators in authorising, supervising and regulating
			services regulators in the authorisation, supervision and regulation of insurers and intermediaries.		insurers and intermediaries.
		11.5	Describe the financial services regulatory principles for businesses and the FCA and PRA's regulation of individuals in broad outline.	11.5.1	Financial Conduct Authority objectives. Prudential Regulation Authority objectives.



	Learning Outcome		Assessment Criteria		Indicative Content
	İ	11.6	Evaluin the importance of the fair	11.6.1	The importance of the fair treatment of systemers and positive systemer
		11.6	Explain the importance of the fair treatment of customers and positive customer outcomes.	11.6.1	The importance of the fair treatment of customers and positive customer outcomes.
		11.7	Describe the consequences of non-	11.7.1	Types of enforcement action and considerations for enforcement.
			compliance – discipline and enforcement.	11.7.2	When enforcement is applied.
		11.8	Explain the requirements for reporting, record keeping and training and competence.	11.8.1	Detail requirements for reporting, record keeping and training and competence.
		11.9	Describe the scope and effect of the Insurance: Conduct of Business sourcebook (ICOBS) in broad outline.	11.9.1	Application of ICOBS rules.
		11.10	11.10 Describe the solvency requirements for insurers and intermediaries and financial services regulatory risk-based capital requirements in broad outline.	11.10.1	Purpose and provisions of EU Solvency requirements.
				11.10.2	Consequences for insurers where capital falls below required level.
12	Understand consumer	12.1	Describe the main provisions of the	12.1.1	Categories of data.
6 questions	protection and dispute resolution.		current data protection legislation.	12.1.2	Data Protection Act 2018 (from the General Data Protection Regulation) main provisions and purpose.
				12.1.3	Consequences of non adherence.
		12.2	Describe the main provisions of the	12.2.1	Criminal Justice Act 1992.
			current Money Laundering	12.2.2	Proceeds of Crime Act 2002.
			Regulations and their application to insurers and intermediaries.	12.2.3	Serious Crime Act 2007 and 2015.
			to insurers and intermediaries.	12.2.4	Money Laundering Regulations 1993 and 2017.



Learning Outcome		Assessment Criteria		Indicative Content		Standards Professionalism to s
13	Know the main methods of preventing, handling and resolving consumer		Describe the financial services regulatory requirements in relation to handling complaints.	13.1.1	Dispute Resolution: Complaints (DISP) sourcebook and requirements.	
4 questions	complaints.	13.2	Explain the services provided by the Financial Ombudsman Service.	13.2.1	Definition of complaint (ii) Who are eligible complainants. (iii) Prior consideration by insurers. (iv) Powers of the Financial Ombudsman Se and on who they are binding. (v) Fees and who pays.	rvice (FOS) and level of awards
		13.3	Describe the main provisions of the Financial Services Compensation Scheme, including the range of activities falling within its scope.	13.3.1	Purpose of scheme. Limits of payouts for compulsory and non compused the scheme is funded.	ompulsory insurance.
14	Understand the CII Code of Ethics and be able to	14.1	Explain the five main principles in the CII Code of Ethics.	14.1.1	List the five main principles and key provision	ons.
	apply the principles to non-complex scenarios.	14.2	Apply the main principles in the CII Code of Ethics and identify positive and negative indicators of ethical behaviour to non-complex scenarios.	14.2.1	Application of common scenarios that are in	n insurance industry.