

NATIONAL DECREE, CONTAINING GENERAL PROVISIONS,
of the 9th of MAY, 1992, in execution of Article 22, first
Paragraph, exordium and sub a, and second Paragraph, and Article
36, third Paragraph, of the Insurance Supervision Act (Nat. Gaz.
1990, No. 77).

(Financial Requirements Insurance Business Decree)

IN THE NAME OF THE QUEEN !

THE GOVERNOR of the Netherlands Antilles,

Having considered:

that provisions must be established for the execution of Article
22, first Paragraph, exordium and sub a, and second Paragraph,
and Article 36, third Paragraph, of the Insurance Supervision Act
(Nat. Gaz. 1990, No. 77); assets must be determined and
regulations must be stipulated, that for the execution of Article
36, third Paragraph of above-mentioned national decree amounts
must be established and that it is furthermore desirable to give
rules as referred to in Article 22, second Paragraph of
above-mentioned national ordinance;

After hearing the Privy Council, has decided:

Article 1

In this decree under national ordinance is understood the
Insurance Supervision Act (Nat. Gaz. 1990, No. 77).

Article 2

The amount that the solvency margin of an insurer with registered
office in the Netherlands Antilles should at least amount to
pursuant to article 36, third Paragraph of the Insurance
Supervision Act (Nat. Gaz. 1990, No. 77), is fixed at:

- a. four hundred thousand guilders for an insurer who conducts
the life insurance business;
- b. three hundred thousand guilders for an insurer who conducts
the indemnity insurance business.

Article 3

The assets that an insurer with registered office abroad should
maintain in the Netherlands Antilles as a solvency fund pursuant

to Article 22, first Paragraph, exordium and sub a, of the national ordinance amount to a sum of:

- a. four hundred thousand guilders for an insurer who conducts the life insurance business;
- b. three hundred thousand guilders for an insurer who conducts the indemnity insurance business;
- c. five hundred thousand guilders for an insurer as referred to in Article 19a of the national ordinance.

Article 4

The assets referred to in Article 3 should be maintained by the insurer for his own account. Only the following can serve as assets:

- a. treasury bonds chargeable to the legal person of the Netherlands Antilles;
- b. share certificates, debentures, profit-sharing notes, founders' shares and option certificates, warrants and similar securities;
- c. proof of partnership rights;
- d. certificates of assets as referred to in sub b and c;
- e. scrip certificates of assets, as referred to in sub a through c;
- f. Bonds to the insurer, not being treasury bills or debentures charged to or directly and unconditionally guaranteed for interest and repayment by the legal person of the Netherlands Antilles or other public bodies of the Netherlands Antilles;
- g. Bonds to the insurer, not being debentures, charged to limited liability companies established in the Netherlands Antilles or charged to the enterprises and institutions established in the Netherlands Antilles that are in the possession of a declaration of no objection issued by the Bank as referred to in Article 4, first Paragraph of the National Ordinance on Supervision Banking and Credit Institutions (Nat. Gaz. 1972, No. 138);
- h. Bonds to the insurer, guaranteed by the right of mortgage on real estate situated in the Netherlands Antilles;
- i. real estate situated in the Netherlands Antilles.

Article 5

The appraisal and the distribution of the assets, stipulated in Article 4, require the Bank's approval.

Article 6

From the bonds, as referred to in Article 4, sub f through h, or - as regards the provisions hereafter included in sub b through e - from a separate agreement, it should be apparent that:

- a. with regard to the pertaining claims no agreement may be made nor may any other action be taken without a written permission from the Bank;
- b. agreed installments and interest payments may not take place without a written permission from the Bank when the Bank has forbidden the debtor to do so;
- c. extra installments and advanced payments may not take place without a written permission from the Bank;
- d. the installments and interest payments, made in contravention of the stipulations in sub b and c, shall not be deducted from the claim;
- e. the debtor shall not appeal to a compensation.

Article 7

1. The assets, indicated in Article 4, sub a through h, are given in open deposit to a credit institutions which is in the possession of a declaration of no objection issued by the Bank, as referred to in Article 4, first Paragraph, of the National Ordinance (Nat. Gaz. 1972, No. 138) on Bank and Credit Institutions.
2. The assets are held in the Netherlands Antilles unless the Bank grants an exemption from this stipulation. The depository shall independently see to acquiring new coupon and dividend sheets and to depositing in connection with attending meetings by the insurer.
3. Without a written permission from the Bank the assets shall not be surrendered to the insurer and no legal actions shall be taken with regard thereof. The depository may however, provided it is no earlier than a fortnight before the day they become due, surrender coupons and dividend-coupons to the insurer without permission from the Bank, unless the Bank has forbidden it to do so. The Bank shall immediately inform the insurer of this prohibition in writing.
4. On request the assets must be given to the Bank in deposit, in case:
 - a. the Bank withdraws its approval of the depository; or
 - b. the depository terminates the agreement with the insurer.
5. As of the thirtieth day after issue, as referred to in the fourth Paragraph, the Bank is authorized to give the assets in deposit for account of the insurer, in accordance with this article.

Article 8

1. With regard to the bonds, as referred to in article 3, sub h, it applies that the pertaining mortgage registration may not be stricken or changed without a written permission from the Bank.
2. The real estate, as referred to in Article 4, sub i, may not be alienated or encumbered, without a written permission from the Bank.

Article 9

1. The Bank shall promptly inform the Recorder of Mortgages in the Island Territory where the real estate concerned is situated of the retention of bonds pursuant to article 4, sub h, and of real estate, pursuant to Article 4, sub i. He will make an annotation in the public registers, that without the written permission of the Bank the mortgage registration cannot be stricken or changed and that the real estate cannot be alienated or encumbered.
2. At the request of the Bank the Recorder of Mortgages shall also make an annotation in the public registers of the permission granted by the Bank pursuant to Article 8, first Paragraph.
3. The Recorder of Mortgages shall inform the Bank of the annotations made by him in the public registers pursuant to this article. He shall strike these annotations completely or partially at the written request of the Bank.

Article 10

The assets, stipulated in article 4, sub a through h, are deposited in accordance with Articles 6 through 8 within a month after the Bank has received the request, and this on penalty of suspension of the processing of the application for a license.

Article 11

1. This national decree can be referred to as: Financial Requirements Insurance Business Decree.

2. It becomes effective as of the day after the date of issue of the National Gazette in which it has been included and is retroactive up to and including December 1st, 1991.

Given at Curaçao, May 9th, 1992
J.M. Saleh

The Minister of Finance,
G. De Paula

Issued on May 11th, 1992
The Minister of General Affairs,
M.Ph. Liberia-Peters