



Bourse Life's Qualification as a Non-EEA Annuity provider

As monies in QROPS schemes are tax relieved, only authorised payments may be made if an income tax charge is to be avoided. With regard to the purchase by QROPS trustees of an annuity to provide pension benefits to members, the annuity provider must meet the specific conditions as set out below:

Compliance with s275 FA 2004 as a non-EEA Annuity Provider

S275 FA 2004 sets out the definition of 'insurance company'.

SI 2006/207 - Pensions Schemes (Application of UK Provisions to Relevant Non-UK Schemes) Regulations 2006 modifies, in Regulation 11, s275 FA 2004 in respect of relevant non-UK schemes by the addition of 'non-EEA annuity-provider' alongside 'insurance company' as follows:

Regulation 11

11(1) *In the heading of section 275 at the end add "and Non-EEA annuity provider".*

11(2) *At the end of the section add—*

275(3) "In this Part "non-EEA annuity provider" means a person resident in a country or territory outside the European Economic Area—

(a) whose normal business includes the provision of annuities; and

(b) who is regulated in the conduct of that business—

(i) by the government of that country or territory; or

(ii) a body established under the law of that country or territory for the purpose of regulating such business.

Bourse Life's qualification as a non-EEA Annuity Provider

1. Bourse Life meets the conditions as a non-EEA Annuity Provider in that:
 - (a) Bourse Life provides annuities in the normal course of its business, and
 - (b) Bourse Life is licensed by the Guernsey Financial Services Commission ("GFSC") to carry on long term insurance business pursuant to the Insurance Business (Bailiwick of Guernsey) Law, 2002, as amended.
2. As such, it is believed that Bourse Life is regulated in the conduct of that business¹ ... by a body established under the law² of that territory³ for the purpose of regulating such business."
3. Verification of the Bourse Life licence can be found on the GFSC website under regulated entities.

¹ the business of writing of annuities under the terms of validly issued licence to write long term insurance business

² The Financial Services Commission (Bailiwick of Guernsey) Law, 1987

³ Guernsey