

Insurance Authority Board of Directors Resolution No. 6 of 2010

Concerning Surveyors and Loss Adjusters' Regulations

The Minister of Economy, Chairman of the Insurance Authority Board of Directors,

Having perused:

- The Federal Law No. 6 of 2007 concerning the Establishment of the Insurance Authority and the Regulation of Insurance Business;
- Insurance Authority Board of Directors Resolution No. 2 of 2009 regarding issuing the Implementing Regulations of the Federal Law No. 6 of 2007 concerning the Establishment of the Insurance Authority and the regulation of Insurance Business;
- The Resolution of the Minister of Economy No. 21 of 1985 regarding the Requirements and Procedures for Registration in the Surveyors and Loss Adjusters' Register.

Has decided:

Article 1

Definitions

1. These Regulations are named as "The Surveyors and Loss Adjuster's Regulations" and they shall be referred to hereinafter as "the Regulations".
2. The following words and expressions, wherever used in these Regulations, shall have the meanings ascribed thereto below, unless the context otherwise requires:

UAE	The United Arab Emirates
Law	The Federal Law No. 6 of 2007 concerning the Establishment of the Insurance Authority and the Regulation of Insurance Business;
Competent Authority	A competent governmental authority in an Emirate;
IA	The Insurance Authority established under the provisions of Federal Law No. 6 of 2007 concerning the Establishment of the Insurance Authority and the Regulation of Insurance Business;
Board	The Board of Directors of the Insurance Authority;
Chairman	The Chairman of the Board of Directors of the Insurance Authority;

Director General	The Director General of the Insurance Authority;
Company	An insurance company incorporated and licensed to practice insurance activities in the UAE, or a foreign insurance company licensed to practice insurance activities in the UAE, whether through a branch or an insurance agent.
Surveyor and Adjuster	A natural or juridical person specialized in surveying and loss adjustment of damage incurred by the insured interest, who prepares a report on the settlement thereof.
Register	A register designed for the registration of Surveyors and loss Adjusters with the IA.
Registration	Registering in the Register

Article 2

Scope of Application

1. The provisions of these Regulations shall apply to all Surveyors and Loss Adjusters in the UAE. |Surveying and loss adjustment in insurance may not be practiced unless the practitioner is registered in the special Register prepared for this purpose at the IA.
2. A Company may not hire Surveyors and Loss Adjusters who are not registered in the Register, except in cases requiring special technical expertise, provided that the Director General is informed of the name, nationality and qualifications of such surveyor and loss adjuster, and the reasons for hiring and the work to be carried out thereby, as well as other information or data required by the Director General.

Article 3

Business Practices of Surveyors and Loss Adjusters

1. Individuals and companies may practice the operations of surveying and loss adjustment for damages incurred by the insured interest in accordance with the terms and conditions set forth in these Regulations.
2. Employees of the Federal Government or local governments in the Emirates of the UAE, or employees of the public authorities, institutions, or insurance companies registered in the register of insurance companies in the UAE may practice the business of surveying and loss adjustment for their employers. However, they may provide third parties with the surveying and loss adjustment expertise, subject to the approval of their employers and the IA.
3. Surveying and loss adjustment undertakings in the insurance business shall be limited to:
 - a. Surveying of damage;

- b. Investigation in the causes of damage, the surrounding circumstances and loss adjustment of such damage; and consider whether it is covered by the insurance or not; and
 - c. Determination of the amount of payable compensation pursuant to the terms and conditions of the insurance policy.
4. For the purposes of these Regulations, work performed by a person who may be asked, by virtue of his/her expertise and technical knowledge, to provide technical assistance to a Surveyor and Loss Adjuster, is not considered as work of damage surveying and loss adjustment that require a license.
5. The registration of a Surveyor and Loss Adjuster in the Register shall be a personal registration, which may not be sold or assigned in any case whatsoever. In case of violation of this condition, the registration of such Surveyor and Loss Adjuster shall be annulled after giving him/her a 7-day notice to adjust his/her position.

Article 4

Surveyors and Loss Adjusters Register in the UAE

1. A special register for Surveyors and Loss Adjusters shall be created in the IA.
2. All Surveyors and Loss Adjusters shall be recorded in the Register with serial numbers according to the date of approval of their respective registration. A Surveyor and Loss Adjuster shall be recorded in the Register according to the types of insurance for which surveying and loss adjustment business is to be practiced.
3. The Director General shall determine the data to be recorded in the Surveyors and Loss Adjusters Register and shall issue the forms of registration.
4. If a Surveyor and Loss Adjuster is recorded in the Register based on incorrect information, the registration shall be cancelled by a decision issued by the Director General.

Article 5

Requirements for Registration

1. To register a UAE national Surveyor and Loss Adjuster, the following conditions must be satisfied:
 - a. He may not be less than 21 years and must have full legal eligibility;
 - b. He must be holder of a university degree in a specialization related to insurance business (excluding Surveyors and Loss Adjusters specialized in motor insurance, in which case they are required to hold a diploma certificate in automotive engineering the study period thereof is not less than two years). In addition, he must successfully pass the training courses in

surveying and loss adjustment work in insurance. A decision to determine such courses shall be issued by the Director General;

- c. He must have practical experience in the area of damage surveying and loss adjustment in insurance of not less than five years (excluding Surveyors and Loss Adjusters specialized in motor insurance, in which case they are required to have experience of not less than three years). Surveyors and Loss Adjusters must also have practiced damage surveying and loss adjustment, independently or with a corporate person licensed to practice surveying and loss adjustment in the UAE;
 - d. He must be of good conduct and behavior and has never been convicted in a moral turpitude crime;
 - e. He must not be responsible, at the discretion of the Board, for a gross breach of any provision of the Companies Law in his capacity as a director general or a board member in a company, including the responsibility for causing compulsory liquidation of the company; and
 - f. He must pass the examination prepared or approved by the IA for this purpose.
2. To register a non-UAE national Surveyor and Loss Adjuster, One the following conditions must be satisfied, in addition to the conditions set forth in Clause 1 above:
- a. He have a UAE national sponsor;
 - b. He must be a partner, manager or officer in charge in a damage surveying and loss adjustment company registered in the Register, or
 - c. He must be an employee of the Federal Government, a local government in the UAE, a public authority or institution, or an insurance company registered in the Register of Insurance Companies in the UAE.
3. To register an surveying and loss adjustment company, the following conditions must be satisfied:
- a. One partner in the company incorporated in the UAE must be holder of a university certificate in a specialization related to insurance business, successfully pass the training courses in expertise of surveying and loss adjustment, and have practical experience in damage surveying and loss adjustment of no less than five years.
 - b. The company must have a manager in charge meeting the requirements and qualifications set forth in Clauses a. to f. of this Article.
 - c. All partners, members of the board and managers in the company must meet the conditions of legal capacity and be of good conduct and behavior.
 - d. The paid up capital of a company incorporated in the UAE may not be less than AED 1,000,000 and the share of UAE nationals therein may not be less than 51%. If the company is incorporated outside the UAE, it must have a UAE National.

- e. A company incorporated outside the UAE must be licensed to practice the damage surveying and loss adjustment profession in its country of incorporation.

Article 6

Registration Documents

1. Registration of a Individuals in the Register shall be using the forms prepared by the IA for this purpose enclosing the following documents:
 - a. A true copy of the family book, ID card or passport
 - b. Name, address and capacity of Emirati sponsor for applicants who are not UAE nationals.
 - c. Approval of the applicant's employer if such applicant is an employee in one of the entities set forth in these Regulations.
 - d. An official certificate from the official authorities stating that the applicant for registration has never been convicted of a crime of moral turpitude, along with a declaration by the applicant that he/ she has never been declared bankrupt.
 - e. An authenticated copy of academic qualifications, practical experience and training courses' certifications.
 - f. A statement of classes of insurance, the Surveyor and Loss Adjuster is applying to be licensed to provide the expertise thereto.
 - g. Any other documents required by the IA and necessary for registration.
2. The list of documents required to be submitted by companies to be registered in the Register of Surveyors and Loss Adjusters shall include:
 - a. True copies of the memorandum of association, articles of association and registration in the Commercial Register.
 - b. True copy of the family book, ID card, academic qualification, training certificates and experience certificates of each partner.
 - c. A statement of names of partners, shares of each in the capital and documents proving their eligibility, capacities, nationalities and past expertise, in addition to an undertaking by the manager in charge that he will dedicate his full time to practice the profession of Surveyor and Loss Adjuster.
 - d. Surveying and loss adjustment operations that the company intends to practice shall be identified.
 - e. In the case of an application for the registration of a foreign company branch, such foreign company must submit, in addition to the aforementioned documents, an official certificate from the competent authorities in the

country where the foreign company is registered stating that it is incorporated and registered in that country and licensed to practice the profession of Surveyors and Loss Adjusters, provided that the actual practice period is not less than five years. Additionally, such foreign company shall submit the last two balance sheets thereof approved and attested by the competent authorities along with a true copy of the decision of its board of director to open a branch thereof in the UAE.

- f. Any other documents required by the IA and necessary for registration and for the issuance of the license.

Article 7

Registration Procedures

1. When an application submitted, the IA shall do the following:
 - a. Register the application in the application register and annotate on it with a number and date of filing.
 - b. Provide the applicant with a receipt containing the name of registration applicant, subject, number and date of annotation, a list of the annexed documents.
2. If the IA found that the registration application does not satisfy any required condition, data or document, a request under a registered letter or by hand delivery to the applicant to complete the shortage within two months as of the date of the notice. If applicant fails to do so within the specified period, the application shall be deemed legally cancelled. No other application may be submitted before the elapse of three months from the date on which the first application was cancelled.
3. The registration application shall be examined and evaluated within thirty days as of its date of submission. Then, the application shall be forwarded to the Director General enclosing with the opinion of the competent department in the IA. The Director General shall decide to accept or reject the application.
4. The Director General, at his own discretion, may accept or reject the registration application as he deems appropriate for the market requirements and the public interest.
5. If the Director General rejects the registration application, the applicant may not submit a new application before the elapse of at least six months from the date of being notified of the rejection decision.

Article 8

Grievance against the Decision to Reject the Registration

1. The applicant may file a grievance before the Board against the decision of the Director General to reject the registration application. The grievance shall be forwarded to the Board enclosing the opinion of the Director General.
2. The Board may accept or reject the grievance in the light of what it deems appropriate for the national economy requirements. The Board is not committed to justify or reason its rejection decision in any case whatsoever.
3. If the Board endorses the decision taken by the Director General to reject the registration application, the applicant may not submit a new application before the elapse of at least six months from the date of being notified of the decision to reject the grievance.

Article 9

Registration in the Register

1. If the registration application is accepted, the following procedures shall be taken to complete the registration in the Register:
 - a. The applicant shall be notified of accepting the application.
 - b. The applicant shall submit an insurance policy against liability arising from practicing the profession for a sum insured of AED 1,000,000.
 - c. After the registration of an Surveyor and Loss Adjuster in the Register, the IA shall issue a registration certificate.
 - d. The term of registration of an Surveyor and Loss Adjuster shall be one year renewable on annual basis.
2. The Surveyor and Loss Adjuster shall practice his business within three months as of the date registration of and notification thereof.

Article 10

Requirements for the Renewal of Registration

1. The requirements for the renewal of registration in the Register of Surveyors and Loss Adjusters shall be as follows:
 - a. An application shall be submitted to the IA using the form prepared by the IA for this purpose at least one month prior to the expiry of the current registration. The renewal application shall be submitted in duplicate signed by the Surveyor and Loss Adjuster or the legal representative thereof.
 - b. A statement including the surveying and loss adjustment work practiced by the Surveyor and Loss Adjuster within the year shall be submitted using the form prepared for this purpose.

2. In addition to requirements set forth in the first clause, if the Surveyor and Loss Adjuster is a corporate person, such Surveyor and Loss Adjuster must submit a statement the name of the manager(s) in charge of its management, as the case may be, and all key employees performing the work of surveying and loss adjustment.

Article 11

Change of Data and Information

1. The Surveyor and Loss Adjuster shall inform the IA of any change in any data or documents based on which the Surveyor and Loss Adjuster was registered within 15 days as of the date of such change.
2. In case the position of the manager in charge becomes vacant, the corporate Surveyor and Loss Adjuster shall inform the IA, appoint a replacement manager within two months as of the date on which the position became vacant and notify the IA of name and qualifications of the new manager.

Article 12

Opening a Branch for the Surveyor and Loss Adjuster inside the UAE

1. Companies practicing the work of surveying and loss adjustment may open one branch or more in the UAE subject to satisfying the following conditions:
 - a. The company has been registered in the Register for a period of more than one year, during which it has actually practiced the business and was not subject to any disciplinary sanction.
 - b. The company shall obtain the approval of the competent authority
 - c. The new branch shall operate under the direct supervision of manager in charge of the headquarters.
2. The company practicing the surveying and loss adjustment business shall submit an application to the IA using the form prepared by the IA for this purpose enclosing the required documents.
3. The Director General shall issue a decision to accept or reject the application. In case of rejection, the company may submit a grievance before the Board against the rejection decision of the Director General in accordance with the procedures set forth in these Regulations. The Decision of the Board shall be final.

Article 13

Duties of the Surveyor and Loss Adjuster

The Surveyor and Loss Adjuster shall comply with the following:

1. In practicing the business of surveying and loss adjustment, adhere to limits of classification in the registration thereof.
2. Add his/her/its name and registration number with the IA on all stationary, documents, correspondence and reports thereof.
3. Comply with the provisions of laws and regulations and the rules of integrity and transparency in performing the duties thereof.
4. Inform the affected parties in writing of all procedure to be taken and request all information necessary to identify the type, reasons and size of damages in order to perform the tasks properly as an Surveyor and Loss Adjuster.
5. Verify the accident circumstances and state whether the accident realized is insured or not.
6. Determine the actual value of the insured interest at the time of damage occurrence as well as the type and size of such damages. In case there is a claim for a specific amount of compensation, inform the Company whether such claimed amount of compensation is appropriate, excessive or rejected and state the grounds for the assessment thereof.
7. Adjust the Company's liability under the insurance policy taking into consideration the terms, conditions, exclusions and deductible amounts of the policy or its endorsements.
8. Suggest the prompt measures to prevent aggravation of damages and maintain what remains of the insured interest.
9. Inform the relevant parties of the probabilities of a third party liability for the damage, the necessary procedures to protect the rights of such parties and maintain their contractual or legal obligations, if possible.
10. Inform the parties of the difficulties that possibly will be encountered when performing his/her/its work, which may prevent the performance of his/her/its task.
11. Prepare the reports on surveying, loss adjustment and settlement, as soon as possible.
12. Within three months from the end of each year, provide the IA with an annual statement of the claims settled through him/her/it using the form prepared by the IA for this purpose.
13. Inform the IA in writing of any issue discovered or known by him/her/it during the performance of work, which constitutes a violation of the provisions of the Law, regulations or resolutions issued pursuant thereto.
14. Inform the IA immediately of any change or amendment to the conditions of his/her/its registration.

Article 14

Contents of the Settlement Report

The settlement report prepared by the Surveyor and Loss Adjuster shall at least include the following information:

1. The date of preparation and submission of the settlement report.
2. Information about the insured and beneficiary of the insurance.
3. The party that requested the settlement.
4. Names of the related insurance agents and brokers, if any.
5. Introduction on the insurance policy and its basic terms, particularly those related to damages, subject of the report.
6. A statement of the damages and their causes, and determining the loss resulting therefrom.
7. A statement of work and procedures followed in making the settlement and preparing the report, including any case of outsourcing specialized persons for settlement work. The Surveyor and Loss Adjuster shall include the reports of such outsourced persons in his/her/its report.
8. The technical opinion about the insurance coverage and the extent of inclusiveness thereof in terms of type and amount of damage, loss adjustment of the damage size for which indemnity is claimed and the amount of payable compensation.

Article 15

Records of the Surveyor and Loss Adjuster

1. The Surveyor and Loss Adjuster shall keep regular and duly organized books and records where all data and information related to business practiced shall be recorded and maintained, as appropriate, including the following:
 - a. Name and address of the insurance company or entity for which he/she/it have performed surveying and loss adjustment work.
 - b. Types of damage surveying and loss adjustment work performed.
 - c. Memos and correspondence related to the work.
 - d. Names of policy holder, insured, beneficiary, date of insurance policy, collected premium, accident data, type and value of damage, surrounding circumstances and the determined payable compensation.
 - e. Documents with serial numbers relating to receipt, disbursement and other financial transactions related to surveying and loss adjustment work.
2. The Surveyor and Loss Adjuster shall retain the records for a period of not less than five years as of the date of their closure.

3. The Director General may specify the records that should be retained by the Surveyors and Loss Adjusters.

Article 16

Auditing of the Books and Records of the Surveyor and Loss Adjuster

1. The Surveyor and Loss Adjuster shall submit the following data approved by an auditor registered on the list of auditors in the IA, within three months from the end of the financial year:
 - a. The balance sheet and final accounts for companies practicing the business of surveying and loss adjustment for their operations in the UAE during the past financial year.
 - b. Number and names of insurance companies with which the Surveyor and Loss Adjuster has dealt.
 - c. Amount of payable fees, amount received therefrom and outstanding fees due from parties that assigned the Surveyor and Loss Adjuster during the past financial year for each company separately.
2. The Director General may assign one employee or more from the IA or may assign an external party to audit the surveying and loss adjustment work. The Surveyor and Adjuster shall provide such auditors with access to all the records, documents and entries related thereto, cooperate with them, and respond to their requests so that they can carry out their work to the fullest.
3. The Surveyor and Loss Adjuster shall bear expenses determined by the Director General in case of assigning an external auditor.
4. The Surveyor and Loss Adjuster must submit any data or information required by the Director General within the period determined for this purpose.

Article 17

Disciplinary Sanctions

1. If an Surveyor and Loss Adjuster is found by the IA to have violated the provisions of the Law, these Regulations or any regulations, bylaws and resolutions issued pursuant to the Law, the Director General shall have the right to impose the following disciplinary sanctions:
 - a. Serve a written warning to the Surveyor and loss Adjuster requiring such Surveyor and Adjuster to rectify his/her/its position according to the procedures and within the period determined by the Director General.
 - b. Suspend the registration of the Surveyor and Loss Adjuster for a period that may not exceed six months. In case of recurrence, the suspension period shall be doubled.

2. If the Surveyor and Loss Adjuster fails to rectify his/her/its position as required in items (a.) and (b.) of the previous clause within the specified period, the Director General may cancel the registration of that Surveyor and Loss Adjuster and write off the name thereof from the records.
3. The disciplinary sanctions imposed by the Director General shall not prejudice the civil and penal liabilities prescribed in the Law and other relevant laws issued in the UAE.

Article 18

Suspension of the Practice

1. Cases of suspending the Surveyor and Adjuster from practicing the business shall be as follows:
 - a. Upon an application submitted by the Surveyor and Adjuster to discontinue the business thereof using the form prepared by the IA for this purpose.
 - b. Dealing with an insurance company which is not registered in the Insurance Companies Register.
 - c. Assignment or leasing of any its branches licensed in the UAE.
 - d. Failure to renew the registration or license with the IA.
 - e. Violation of the Law, the Regulations or resolutions regulating the profession of Surveyors and Loss Adjusters.
2. The Director General shall issue the decision of suspending an Surveyor and Loss Adjuster from practicing the Business and inform the competent authorities.
3. The Surveyor and Adjuster may not practice the business during the period of suspension and shall remain accountable for liabilities that have been entailed thereon or the liabilities arising from the work thereof before the date of the suspension decision.
4. The Surveyor and Loss Adjuster may apply for resumption of the practice in case he/she/it has rectified the position thereof during suspension period; otherwise, a procedure shall be taken to issue a decision to cancel the registration of the Surveyor and Loss Adjuster.

Article 19

Procedures for the Cancellation of the Registration

1. Procedures of surveyor and loss adjuster registration annulment in the Register shall be as follows:
 - a. An announcement shall be published in two daily newspapers issued in the UAE, one in Arabic language and the other in English language. The

announcement shall include the commencement of procedures of cancellation and an invitation to those objecting to the write-off or those affected persons thereby to submit their objections to the IA within a month as of the date of publication.

- b. Upon the elapse of the one month period, a decision shall be taken on the objections; and in case of addressing such objections, the Director General shall issue the decision of cancellation. The Surveyor and Loss Adjuster shall be notified thereof under a confirmed registered letter and the Competent Authority shall also be notified e informed of the decision of cancellation.
 - c. The Surveyor and Loss Adjuster whose registration is cancelled may not apply for re-registration in the Register except after the elapse of three years as of the date of cancellation.
2. In case a decision is issued to suspend or cancel the registration of an Surveyor and Loss Adjuster, such Surveyor and Loss Adjuster shall continue the performance of tasks related to work assigned thereto before the issuance of the decision of suspension or cancellation for a period of no more than thirty days in order to complete such assignments or transfer them to another Surveyor(s) and Loss Adjuster(s), subject to the consent of the client who assigned the Surveyor and Loss Adjuster.

Article 20

Final Provisions

1. Once these Regulations come into effect, each person practicing the work of surveying and loss adjustment must adjust his situations in accordance with to provisions of these Regulations within a period of no more than one year as of the effective date of this Resolution.
2. The IA shall collect the prescribed fees for any procedures taken by the IA according to the provisions of the Law and regulations issued pursuant thereto.
3. The provisions relating to damage Surveyors and Loss Adjusters issued under the Resolution of the Minister of Economy No. 21 of 1985 concerning the Conditions and Procedures for Registration in the Surveyors and Loss Adjusters Register shall be repealed. Any resolutions or instructions issued pursuant thereto shall also be repealed.
4. The Director General shall issue the decisions necessary to enforce the provisions of these Regulations.

Article 21

This Resolution shall be published in the Official Gazette and shall take effect as of the date of its publication.

Eng. Sultan bin Saeed Al-Mansoori
Minister of Economy
Chairman of the Board of Directors of the Insurance Authority

Issued in Abu Dhabi on:
08 Dhul Hijjah 1431 H.
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