

অতিরিক্ত নং ডি প্রস



অতিরিক্ত সংখ্যা  
কর্তৃপক্ষ কর্তৃক প্রকাশিত

---

বুধবার, জুন ২২, ১৯৮৮

---

গণপ্রজাতন্ত্রী বাংলাদেশ সরকার

বাণিজ্য মন্ত্রণালয়

প্রজ্ঞাপন

ঢাকা, ৯ই আষাঢ়, ১৩৯৫/২২শে জুন, ১৯৮৮

নং এস.আর.ও ১৭৩-আইন/৮৮—The Insurance Act, 1938 (IV of 1938) এর section-114 এ ক্ষমতাবলে সরকার Insurance Rules, 1958 এ উক্ত Section এর Sub-section 1(A) এর প্রয়োজন মোতাবেক প্রাক প্রকাশনা করিয়া নিম্নরূপ সংশোধন করিলেন, যথা:

উপরোক্ত Rules এর rules 24, 25, 26, 27 এবং 28 এর পরিবর্তে নিম্নরূপ rules গুলি প্রতিস্থাপিত হইবে, যথা:

#### INSURANCE SURVEYORS

24. Classes of insurance surveyors.—The various classes of insurance surveyors for each of which a separate certificate shall be required under sub-section (3) of section 44A of the Act shall be the following:—

- (i) fire;
- (ii) marine cargo;
- (iii) marine hull;
- (iv) motor;
- (v) aviation, engineering, machinery erection and breakdown, and
- (vi) others.

---

(১০৬৯৭)

মুদ্রা: ৬০ পরমা

## 25. Requirements for grant of certificate of insurance surveyor.

(1) The requirements which must be satisfied before a person is granted a certificate to act as an insurance surveyors shall be as following below:—

(a) if the applicant is an individual he must—

(i) be a fellow or an associate of the Chartered Institute of Insurance, London or possess equivalent degree or diploma from a recognised University or institution and must have experience of working as a surveyor independently or for a firm or company of surveyors for a period of not less than three years before the date of application;

or

Possess certificate of Master Mariner or equivalent certificate or Diploma from a recognised University or institution and must have experience of working as a surveyor independently or for a firm or company of surveyors for a period of not less than three years before the date of application; or

Possess Bachelor's degree or diploma from a recognised University or institution in any branch of engineering and must have experience of as a surveyor independently or for a firm or a company of surveyors for a period of not less than three years before the date of application; or

Possess a Bachelor's degree of a recognised University in any faculty and must have experience of working as a surveyor independently or for a firm or a company of surveyors for a period of not less than five years before the date of application or possess a Higher Secondary or Secondary certificate or equivalent from a recognised Board and must have experience of working as a surveyor independently or for a firm or a company of surveyors for a period of not less than seven years and ten years, respectively before the date of application :

Provided that certificate for conducting survey in respect of marine hull shall not be issued to any person other than a master mariner or holder of an equivalent certificate and a certificate for conducting survey in respect of aviation, engineering, machinery erection and breakdown shall not be issued to any person other than a person who holds a degree or diploma in the respective branch of engineering. These requirements may be relaxed in case of persons who have been authorised to conduct the aforesaid survey during the last ten years and have actually conducted such survey.

(ii) not be an employee of an insurer or an insurance agent or an employer of agents;

(iii) not be a government servant or an employee of any corporation, company, firm or organisation;

- (iv) not be associated with any company or firm or organisation as Director, partner or Advisers on the whole time basis;
- (v) not suffer from any of the disqualifications mentioned in clause (b), (c) or (d) of sub-section (4) of section 42 of the Act;
- (b) if the applicant is a company or a partnership firm—
  - (i) there must at least two individuals attached to such company or firm whether as a director or a partner, who satisfies the requirements specified in clause (a) of sub-rule (1);
  - (ii) such company or firm must not be an employer of agents;
  - (iii) no sponsor director or partner or employee of such company or firm shall be an insurance agent or employer or agents or associate with any company or insurer as director, partner or employee;
  - (iv) such company or firm must be registered with the Registrar, Joint Stock Companies and Firms before applying for a survey certificate;
  - (v) no individual surveyor, partner or sponsor or director of any such company or firm shall be a partner, sponsor director or employee of any other survey firm or company;
  - (vi) no sponsor director or partner or employee of such company or firm shall suffer from any of the disqualifications mentioned in clause (b) c(c) or (d) of sub-section (4) of section 42 of the Act;

(2) The requirements of clauses (a) and (b) of sub-rule (1) shall be considered in relation to that class of insurance survey specified in rule 24 for which a certificate is applied for.

(3) No survey company or firm shall conduct any class of survey at any of his branches or offices, other than Head Office, unless he has obtained written permission from the Controller of Insurance for opening of such branch or office and the Controller of Insurance shall grant such permission provided such company or firm appoints such person who satisfied the requirements laid down in clause (a) of sub-rule (1) for the branch or office concerned for each class of such permission.

**26. Issue of certificate to insurance surveyors.—**(1) A person who desires to obtain a certificate to act as an insurance surveyor shall obtain, on payment, from the Controller of Stationery and Forms, or any agent or dealer authorised to sell Government of Bangladesh publications, a form of application for a certificate (Form XIV or Form XV, as the case may be). Such form shall be used when an applicant applies for a certificate for the first time or for a fresh certificate in case of non-renewal of the old certificate. He shall then send to the Controller of Insurance the completed application form with a fee specified in sub-rule (8) of rule 35.

(2) A separate application shall be made and separate fee shall be paid for a certificate for each class of insurance surveyors mentioned in rule 24.

(3) The Controller of Insurance or the officer authorised by him under sub-section (4) of section 44A of the Act may call for such further information from the applicant as he deems fit. The Controller shall also require the applicant to appear before him in person.

(4) If the Controller is satisfied that the applicant satisfies the requirements specified in rule 25 and is fit to hold the certificate applied for he shall grant the certificate to the person concerned in Form XVIII and shall authorise each individual person to conduct each class of survey and shall cause the relevant particulars of the surveyor to be published in the official gazette.

(5) If the Controller is of the opinion that the applicant is not fit to hold the certificate applied for he will refuse to grant that certificate.

(6) Each surveyor shall furnish each copy of the survey report to the Controller of Insurance on the date it is submitted to the insurer or the insured, failing which the Controller of Insurance shall take such appropriate action against the surveyor as he may deem fit.

(7) The Controller of Insurance may require an insurance surveyor to supply to him any information relating to his survey and the surveyor shall comply with such requirement within such period as may be specified, failing which the Controller of Insurance shall take such appropriate action against the surveyor as he may deem fit.

**26A. Responsibility of Insurer and Surveyor.**—(1) The insurer, while appointing a surveyor shall specify the period by which the survey is to be completed.

(2) The surveyor shall submit the survey report within 15 days of the completion of the survey. The Controller may condone the delay in submission of the report, if the surveyor can show valid reason for such delay.

(3) The surveyor shall furnish a copy of each survey report to the insured on the date it is submitted to the insurer. The insurer or the insured may apply to the Controller of Insurance for a second survey within fifteen days of the receipt of the survey report, if the report is not acceptable to any one of them. The Controller may condone the delay submitting such application if the applicant can show valid reason for such delay.

(4) An application for second survey shall be accompanied by a copy of the first survey report and shall state the reasons for the prayer.

(5) The second surveyor shall furnish copies of his report to the insurer, insured and the Controller of Insurance within the specified period for taking such action as deemed appropriate.

(6) The Controller may require an insurance surveyor to supply any information relating to his survey and the surveyor shall comply with such requirement within such period as may be specified failing which the Controller of Insurance shall take such appropriate action, including suspension of the survey certificate, against the surveyor as he may deem fit.

27. **Renewal of certificate of an Insurance surveyor.**—(1) An insurance surveyor who desires to renew his certificate to act as an insurance surveyor shall obtain, on payment, from the Controller of Stationery and Forms or any agent or dealer authorised to sell Government of Bangladesh publications, a form of application for a certificate (Form XVI or Form XVII, as the case may be). He shall then send to the Controller of Insurance the completed application form with the fee specified in sub-rule (9) of rule 36. The application shall reach the Controller before the date of expiry of the certificate.

(2) A separate application must be submitted for renewal of each of the certificates held by the applicant.

(3) An application for renewal of a certificate which reaches the Controller of Insurance after the date of expiry of the certificate shall not be considered unless an additional fee specified in sub-rule (10) of rule 36 is paid by way of penalty.

(4) No application for the renewal of a certificate will be accepted if it reaches the Controller of Insurance after twelve months from the date on which the certificate ceases to remain in force.

(5) An application for renewal of a certificate shall be accompanied by the following :

- (a) statement of survey reports (class-wise) issued by an insurance surveyor during the previous one year;
- (b) such list of employees as may be required by the Controller of Insurance ;
- (c) Income and expenditure statement for the previous calendar year duly signed by the surveyor or the Managing Partner or the Managing Director, as the case may be.

(6) No renewal of certificate for a particular class shall be granted unless the applicant submitted atleast two survey reports of that class during the previous year.

(7) The Controller of Insurance may require such further informations as he may deem fit for consideration of the renewal application.

(8) The Controller of Insurance or the officer authorised by him under sub-section (4) of section 44A of the Act shall after taking all reasonable steps to satisfy himself that the applications for the renewal of a certificate is in order and that the applicant fulfill's the requirements specified in rules 25, 26

and 26A issue a certificate in Form XVIII of the same number to the insurance surveyor for a further period of one year beginning from the date on which the certificate ceased to remain in force.

(9) No renewal of the certificate of the existing insurance surveyors shall be granted after the expiry of one year from the date of this notifications unless such surveyor fulfills the requirement of rules 24 and 25.

28. **Persons and losses to which section 44A (1) shall not apply.**—Sub-section (1) of section 44A of the Act shall not apply;—

- (i) to any individual representing Lloyds or similar organisation or any other qualified firm of surveyors, or any other qualified individual who is engaged for the purpose of a survey, assessment or adjustment in respect of any claim with the prior approval of the Controller of Insurance;
- (ii) to any person employed for the purpose of any survey assessment or adjustment of any loss which is excluded under clause (iii) of this rule;
- (iii) (a) to all classes of losses up to Tk. 5000;  
 (b) losses under marine insurance policies for non-delivery of goods;  
 (c) losses under motor insurance policies in respect of third party, workmen's compensation and personal accident claim; and  
 (d) losses under consequential loss policies.

রাষ্ট্রপতির আদেশক্রমে

আল আমীন চৌধুরী

উপ-সচিব।