

IRAS CIRCULAR

TAX DEDUCTIBILITY OF GENERAL INSURERS' RESERVES AGAINST INCURRED BUT NOT REPORTED CLAIMS (IBNR CLAIMS)



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INTRODUCTION

- 1 Under Singapore tax law, expenses are deductible for tax purposes if they are wholly and exclusively incurred in the production of income. Reserves provided for IBNR claims by general insurance companies were considered not deductible as they are not expenses which have been incurred in the production of income at the time the reserves created are claimed as a deduction. The amount of such reserves do not reflect the actual expenses or liabilities but are only estimates of contingent liabilities.
- 2 General insurance companies which made claims for the deduction of such reserves objected to the disallowance of the claims. IRAS noted that the Courts in Australia and the UK had ruled that such reserves were deductible if they were made on a reliable basis. Representations were also made by MAS to the effect that the Insurance Act required the provisions of adequate reserves for IBNR claims in order to promote sound insurance practice. MAS felt that such reserves should therefore be allowed a tax deduction. On account of these factors, IRAS agreed in 1992 to treat provisions for IBNR claims as qualifying for deduction. Since the issue concerned allowing a deduction of an amount of liability which is expected to have been incurred, an important related issue was in finding the methodology which could estimate the expected liability with a high degree of reliability.
- 3 The purpose of this Practice Note is to set out the guidelines in determining acceptable methodologies for estimating the liability which can be used to quantify the reserves to be allowed a deduction for tax purposes. It is also to set out the substitute methods which may be used to derive an indication of what could be a reasonable level of reserves for IBNR claims which is acceptable for tax deduction purposes.

SCOPE

- 4 With effect from 8 Jan 2002, this Practice Note is no longer applicable to non-captive¹ general insurance business whereby its policy liabilities² have to be assessed and certified by an actuary approved by the Monetary Authority of Singapore (MAS) under section 37(1)(b) of Insurance Act (Cap 142).

¹ Regulation 20 of the Insurance (General Provisions and Exemptions for Captive Insurers) Regulations 2004 states that section 37(1)(b) of the Insurance Act shall not apply to any captive insurers.

² Regulation 19 of the Insurance (Valuation and Capital) Regulations 2004 states that policy liabilities of a general business are made up of premium and claim liabilities, and claim liabilities include IBNR claims as per Regulation 19(1)(b).

ADMINISTRATIVE STATEMENT

- 5 The conceptual basis for allowing deduction of a provision for IBNR claims is that the actual claims subsequently received are capable of accurate estimation beforehand. Consequently only provisions for IBNR claims which are made with methods using historical statistical evidence to arrive at the amount of such provisions are considered as acceptable. In other words, for provisions of IBNR claims to be acceptable, they must be supported by reliable statistical evidence. IRAS has been informed by MAS that a method widely used internationally to arrive at the provision for IBNR claims is the loss triangulation method which elicits loss development patterns based on historical data collated in the form of basic loss development triangles. As this basis of arriving at the provisions for IBNR claims is based on historical data, IRAS agreed to accept it.
- 6 Having done so, IRAS received further representations that there are general insurance companies which are unable to collate historical data to enable them to use the loss triangulation method because of the following reasons:
 - (a) unstable claims statistics;
 - (b) lack of historical data where the lines of business are new to the Singapore market;
 - (c) foreign insurers who lack Singapore claim statistics to provide for loss triangulation.
- 7 In view of the above reasons, IRAS is prepared to consider the following alternative methods:
 - (a) DirectInsurers
 - i. For their Singapore Insurance Fund business, the table of percentages of net written premiums at Annex 1 (indicative of the industry norm) will be accepted as a guide to determine the maximum annual allowable provision for IBNR claims. An external auditors' certification of loss reserves under the Fifth Schedule to the Insurance (Accounts and Statements) Regulations has to be furnished.
 - ii For their Offshore Insurance Fund business, the use of the percentage based IBNR estimates to compute the provision will be accepted on the strength of the external auditor's certification of the loss reserves under the Fifth Schedule to the Insurance (Accounts and Statements) Regulations.

(b) Reinsurers

The use of the percentage-based IBNR estimates to compute the provision will be accepted on the strength of the external auditors' certification of loss reserves under the Fifth Schedule to the Insurance (Accounts and Statements) Regulations.

(c) Captive Insurers

The use of the table of percentages at Annex 2 to compute the provision will be accepted as these percentages have been derived from industry experience worldwide. An external auditors' confirmation of loss reserves (replaced by the term "claim liabilities") valued in accordance with Regulation 19 of the Insurance (Valuation and Capital) Regulation 2004 (amended in 2005) has to be furnished.

(d) Foreign Insurers

Foreign insurers who lack claims statistics of their Singapore business to use the loss triangulation or other methods described above, may on providing proper justification, use Head Office statistics or methodologies.

(e) Other methods

Any other statistical methods used by insurance companies will only be accepted if IRAS is satisfied that these methods are based on historical statistical evidence and the companies furnish an external auditors' certification of loss reserves under the Fifth Schedule to the Insurance (Accounts and Statements) Regulations.

8 Where IRAS has doubts regarding the appropriateness of the use of any of such alternative methods by an insurance company, it is the responsibility of the insurance company to demonstrate that the method used and the consequent amount of provision claimed have a valid basis in relation to the circumstances of its business. Once accepted, the method and its component parameters must be consistently applied. IRAS must be notified immediately of any change to the method and its component parameters.

9 Where business judgement has been used to modify the data used in the statistical methods or their outcome so as to ensure the accuracy of the IBNR estimates, IRAS is prepared to accept the modification based on such business judgement. However, where the use of business judgement leads to an increase of the IBNR estimates generated from statistical methods, the acceptance of the outcome can only be considered on a case-by-case basis. It would be for the insurance company concerned to

substantiate that the increase is for valid reasons, for example, new legislation or court rulings governing liability payouts. Any increase of the IBNR estimates without valid reasons, for example, mere estimation, would not qualify for deduction.

- 10 The same applies where specific case reserves are also set aside as a result of incurred catastrophe events. The deduction for such reserves will only be considered on a case-by-case basis.
- 11 The methods described in paragraphs 5 and 7 are to be used with effect from the year of assessment 1996 and will also apply to prior-year assessments which have yet to be completed or agreed. Assessments for years of assessment prior to 1996 for which IBNR provisions have been provisionally accepted by IRAS will not be re-opened provided that the provisions are computed using methods based on historical statistical evidence.
- 12 As business practice can change over time, IRAS may review this Practice Note if necessary.

GENERAL DIRECT INSURANCE IBNR
PERCENTAGE TABLE (SIF)

Class of Business	Maximum IBNR Factor as % of Net Written Premium ^{1/}
Fire	10
Miscellaneous	15
Motor	20
Workmen's Compensation	20
Marine and Aviation Cargo	20
Marine and Aviation Hull	25

^{1/} Net Written Premium = Gross Premium - Reinsurance Premiums Ceded

Note:

The table essentially expresses maximum tax-allowable IBNR for any Y A as a percentage of net premiums written by class of business in that Y A. The table assumes a maximum claims development period of a year. In other words, any IBNR provision amount which is unutilised within a year should be released back into profits, and fresh IBNR set up in respect of the new YA in accordance with the table.

CAPTIVE INSURANCE IBNR PERCENTAGE TABLE

Class of Business	DEVELOPMENT YEAR						
		1	2	3	4	5	6
Short Tailed ^{1/}	Outstanding Loss Reserves ^{2/} OR	20%	15%	10%	5%	0%	0%
	Incurred loss ^{3/} OR net written premium ^{4/}	10%	7.5%	5%	2.5%	0%	0%
Medium Tailed ^{1/}	Outstanding Loss Reserves ^{2/} OR	40%	30%	20%	10%	5%	5%
	Incurred loss ^{3/} OR net written premium ^{4/}	20%	15%	10%	5%	2.5%	2.5%
Long Tailed ^{1/}	Outstanding Loss Reserves ^{2/} OR	60%	50%	40%	30%	20%	10%
	Incurred loss ^{3/} OR net written premium ^{4/}	30%	25%	20%	15%	10%	5%

^{1/} Definitions of short to long-tailed business as well as indicative classes of business falling within these definitions are at Annex 2A and 2B.

^{2/} Outstanding Loss Reserves = Case Reserves (or Reserves for Reported Losses)

^{3/} Incurred Loss = Outstanding Loss Reserves +
Paid and Outstanding Claims

^{4/} Net Written Premium = Gross Premiums - Reinsurance Premiums Ceded

Note

The table contains 3 possible reserving bases (outstanding loss reserves, incurred loss or net written premiums). While a captive may, where appropriate, use more than one reserving base if it writes more than one class of business, the base chosen in respect of any individual class of business has to be used consistently from year to year and any change has to be justified. Based on the table, IBNR established in respect of business written in any one Year of Assessment are held over a specified maximum number of development years on a reducing basis until extinction. The reductions over the years offer an approximate idea of claims development. Reserves not actually utilised to meet claims in a particular development year must be written back to profits.

DEFINITION

Short Tailed Risks

Occurrences of such claims are normally known within 12 months from inception of the policy. Estimate of ultimate loss value could however be finalised some time after the event of the loss. The loss would generally be determined within 48 months from inception of the policy.

Medium Tailed Risks

Occurrences of such claims may not normally be known within 12 months from inception of the policy. Where incidents are reported, circumstances and liability may not be determined with certainty during the early stages of loss development (eg first 36 months).

Long Tailed Risks

Occurrences of such claims are often unknown and unquantifiable within 12 months from the inception of the policy. Policy obligations are often very difficult to quantify leading to large variances in provision in the earlier years of loss development. Quantum of losses may be affected by retrospective changes in legislation and emerging judicial trends for higher damage awards. The significant loss developments of these classes of business are often well documented.

CLASSES OF INSURANCE

MAJOR CLASSES	SUB- CLASSES		SHORT	MEDIUM	LONG
			TAIL	TAIL	TAIL
FIRE	(F1)	Fire, Explosion & Lightning	Yes		
	(F2)	Fire & Extraneous Perils	Yes		
	(F3)	Industrial Special Risks	Yes		
		Including Marine Inland		Yes	
		Including Marine Overseas			Yes
		Including Fidelity Guarantee			Yes
	(F4)	Business Interruption		Yes	
	(F5)	Advanced Profits		Yes	
	(F6)	Homeowners	Yes		
		Including Liability		Yes	
	(F7)	Householders	Yes		
CASUALTY		Including Liability		Yes	
	(F8)	Contractor's Risks	Yes		
		Including Liability		Yes	
		Including Marine Inland		Yes	
		Including Marine Overseas			Yes
	(F9)	Mortgagee's Interest	Yes		
	(F10)	Terrorism	Yes		
	(C1)	Hull	Yes		
	(C2)	Motor Vehicle	Yes		
		Including Third Party		Yes	
		Property Damage			
ENGINEERING	(C3)	Theft	Yes		
	(C4)	Fidelity Guarantee			Yes
	(C5)	Personal Accident	Yes		
	(C6)	Travel		Yes	
	(C7)	Livestock	Yes		
	(C8)	Bloodstock	Yes		
	(C9)	Libel/Slander		Yes	
	(C10)	Keyman	Yes		
	(C11)	Money	Yes		
	(E1)	Erection Risks	Yes		
		Including Liability Including		Yes	
		Marine Inland Including		Yes	
		Marine Overseas Including			Yes
		Advanced Profits		Yes	
	(E2)	Mechanical/Electrical Breakdown	Yes		
	(E3)	Boiler Explosion/ Collapse	Yes		
		Including Liability		Yes	

MAJOR CLASSES	SUB- CLASSES	SHORT TAIL	MEDIUM TAIL	LONG TAIL
MARINE	(M1)	Stockthroughput	Yes	
	(M2)	Cargo Inland	Yes	
	(M3)	Cargo Overseas		Yes
	(M4)	Hull		Yes
	(M5)	Protection & Indemnity		Yes
	(M6)	Builder's Risks	Yes	
	(M7)	Yacht and Pleasure Craft	Yes	
	(M8)	Marine Liability		Yes
	(M9)	War	Yes	
LIABILITY	(L1)	Public		Yes
	(L2)	Product		Yes
	(L3)	Directors' & Officers'		Yes
	(L4)	Trustee's		Yes
	(L5)	Lender's		Yes
	(L6)	Professional Indemnity		Yes
	(L7)	Errors & Omissions		Yes
	(L8)	Umbrella		Yes
	(L9)	Excess		Yes
	(L10)	Personal		Yes
	(L11)	Carrier's and Warehouseman's		Yes
	(L12)	Miscellaneous		Yes
OTHERS	(O1)	Malicious Product Tamper		Yes
	(O2)	Product Recall/Guarantee	Yes	
	(O3)	Political Risks (Confiscation, Expropriation & Nationalisation)	Yes	
	(O4)	Trade Credit	Yes	
	(O5)	Strikes	Yes	
	(O6)	Salary Continuance	Yes	
	(O7)	Health Care	Yes	
	(O8)	Residential Mortgage		Yes
	(O9)	Commercial Mortgage		Yes
	(O10)	Kidnap & Ransom	Yes	
	(O11)	Aviation Hull		Yes
	(O12)	Aviation Liability		Yes
	(O13)	War		Yes
	(O14)	Space	Yes	
	(O15)	Space Liability		Yes
	(O16)	Workers' Compensation		Yes
	(O17)	Employer's Liability		Yes
	(O18)	Bankers' Blanket Bond and Electronic Computer Crime		Yes
	(O19)	Environmental Impairment		Yes
	(O20)	Stop Loss		Yes
	(O21)	Mine Rehabilitation		Yes