



AN ARD-CHÚIRT  
THE HIGH COURT

**COMMERCIAL**  
**2023 No. 117 COS**  
**(2023 No. 51 COM)**

**TUESDAY THE 7<sup>TH</sup> DAY OF NOVEMBER 2023**  
**BEFORE MR JUSTICE MICHAEL TWOMEY**

**IN THE MATTER OF AETNA HEALTH INSURANCE COMPANY OF EUROPE  
DAC**

**AND IN THE MATTER OF AWP HEALTH & LIFE SA**

**AND IN THE MATTER OF THE ASSURANCE COMPANIES ACT 1909 (AS  
AMENDED), THE INSURANCE ACT 1989 (AS AMENDED) AND THE  
EUROPEAN UNION (INSURANCE AND REINSURANCE) REGULATIONS 2015  
(AS AMENDED)**

The Petition of all the directors of Aetna Health Insurance Company of Europe DAC (“AHICE”) and of all of the directors of AWP Health & Life SA (“AWP”) (the “Petitioners”) whose respective names and addresses are set out in the First Schedule to the said Petition and the First Schedule hereunder coming into the list this day for hearing in the presence of Counsel for the Petitioners

And upon reading the Notice of Motion filed the 28<sup>th</sup> day of June 2023 the Petition (incorporating the Scheme as a Schedule) dated the 28<sup>th</sup> day of June 2023 and filed the 28<sup>th</sup> day of June 2023 the first Affidavit of Brian O’Rourke filed the 28<sup>th</sup> day of June 2023 the first Affidavit of Áine McCarthy filed the 28<sup>th</sup> day of June 2023 the Notice of Motion applying for entry into the Commercial List of the High Court filed the 28<sup>th</sup> day of June 2023 the second Affidavit of Brian O’Rourke filed the 28<sup>th</sup> day of June 2023 in support of the

application for entry into the Commercial Court List of the High Court the Certificate for the purpose of Order 63A Rule 4(2) of the Rules of the Superior Courts 1986 (as amended) signed by Laura Mulleady of A&L Goodbody Solicitors filed the 28<sup>th</sup> day of June 2023 the Order of Mr Justice McDonald made the 3<sup>rd</sup> day of July 2023 the third Affidavit of Brian O'Rourke filed the 6<sup>th</sup> day of July 2023 and the Amended Petition incorporating the Scheme as a Schedule such scheme being set out in the Second Schedule hereunder as defined and exhibited in the third Affidavit of Brian O'Rourke filed the 6<sup>th</sup> day of July 2023 the second Order of Mr Justice McDonald made the 7<sup>th</sup> day of July 2023 the Affidavit of Service of Alexandra Griffin filed the 21<sup>st</sup> day of July 2023 the second Affidavit of Áine McCarthy filed the 26<sup>th</sup> day of October 2023 the fourth Affidavit of Brian O'Rourke filed the 27<sup>th</sup> day of October 2023 the Affidavit of Laura Mulleady filed the 27<sup>th</sup> October 2023 the Third Affidavit of Áine McCarthy filed the 6<sup>th</sup> day of November 2023 and the exhibits referred to in the aforementioned Affidavits

And upon hearing said Counsel and there being no attendance in Court by or on behalf of any interested party

**IT IS ORDERED**

1) Pursuant to Section 13 of the Assurance Companies Act 1909 (as amended) and Regulation 41 of the European Union (Insurance and Reinsurance) Regulations 2015 that the Scheme for the transfer the Transferring Business of AHICE (as more particularly described in the Scheme set out in the Second Schedule to the said Amended Petition) incorporating the Transferring Policies the Transferring Assets and the Transferring Liabilities (all as defined in the said Scheme) to AWP be and the same is hereby sanctioned

2) That the said Scheme shall take effect at 00:01 a.m. on Friday the 1<sup>st</sup> day of December 2023 being the Scheme Date as defined in the Scheme

3) Pursuant to the provisions of Section 36(1)(a) of the Insurance Act 1989 (as amended) that on and with effect from the said Scheme Date the Transferring Business (as defined in the Scheme) and all of the interest of AHICE therein shall by virtue of this Order and without any further act or instrument be transferred to and be vested in AWP including

3.1) on and with effect from the said Scheme Date each Transferring Policy and all of the interest of AHICE therein shall by virtue of this Order and without any further act or instrument be transferred to and be vested in AWP

3.2) on and with effect from the said Scheme Date each Transferring Asset (which may include personal data protected under applicable data protection legislation) shall by virtue of this Order and without any further act or instrument be transferred to and become an asset of AWP in accordance with and subject to the terms of the said Scheme and

3.3) on and with effect from the said Scheme Date each Transferring Liability shall by virtue of this Order and without any further act or instrument be transferred to and become a liability of AWP in accordance with and subject to the terms of the said Scheme


4) Pursuant to the provisions of Section 36(1)(c) of the Insurance Act 1989 (as amended) that any Proceedings (as defined in the said Scheme) pending by or against AHICE on the Scheme Date concerning any Transferring Policy Transferring Asset or Transferring Liability shall with effect from the said Scheme Date be continued by or against AWP and AWP shall be entitled to all defences claims counterclaims and rights of set-off as would have been available to AHICE in relation to such Proceedings

5) AHICE shall have liberty to transfer to AWP all Records (as defined in the Scheme) (including personal data) held by or on behalf of AHICE in relation to the Transferring Business the Transferring Policies the Transferring Assets the Transferring Liabilities and AWP shall from the time of such transfer become the data controller in respect of the data concerned

Liberty to the Petitioners to apply

**DAMIEN BOLGER KERR**  
**REGISTRAR**  
Perfected 13<sup>th</sup> November 2023

A & L Goodbody  
**Solicitors for the Petitioners**

**A COPY WHICH I ATTEST**  
  
**FOR REGISTRAR**

**COURT FEE PAYMENT**



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**COURTS SERVICE**

**AN tSEIRBHÍS CHÚIRTEANNA**

**NATURE OF FEE / TITLE OF CASE / FOLIO NO.ETC / NAME OF SOLICITOR**

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**N.B. IT IS IMPORTANT TO IDENTIFY TRANSACTION**