

TO ALL MEMBERS

16th December, 2016

Dear Sirs,

NOTICE OF EXTRAORDINARY GENERAL MEETING

Notice is hereby given that an Extraordinary General meeting of the Members of the Association will take place

on: Thursday, 19th January, 2017 at 09.30 a.m.

at: 90 Fenchurch Street,
London EC3M 4ST

At the meeting, the following Special Resolution will be proposed:

Special Resolution 1 to propose:

“That, with effect from 12 noon Greenwich Mean Time on 20th February, 2017, the amendments to the Rules as contained in the printed document marked “Appendix A” submitted to this meeting and for the purposes of identification signed by the Chairman be and are hereby adopted.”

By order of the Board

K.P. Halpenny
Secretary

TO ALL MEMBERS

Circular Ref: 2016/5

PROPOSED RULE CHANGES – 2017/18 RULES

Members will be aware of Circular 2016/3 which highlighted a need for legal and other service providers to move away from the historic approach of charging on an hourly basis and to give consideration to alternative billing arrangements. This is in order to provide Members and the Association with greater certainty of outcome as well as increased transparency and value. To reflect this change in approach it is proposed that an amendment be made to Rule 5 (2) to remove the reference to fees being charged on a time basis. The proposed amendment to Rule 5 (2) is italicised and is set out in Appendix “A” (see attached).

In addition, following a review of the Association’s approach to laid-up returns it is proposed that there be an amendment to Rule 29 (2) (b) to remove the restriction on a laid-up return being made if a claim arises during the period of a lay-up. It is also proposed that there be an amendment to Rule 29 (2) (d) to provide that any claim for a laid-up return should be made within three months from the end of the policy year. The proposed amendments to Rule 29 are italicised and set out in Appendix “A” (see attached).

The proposed Rule changes are to be considered at an Extraordinary General Meeting to be held on 19th January, 2017. If approved the revised Rules will take effect from 20th February, 2017.

If any Members have any questions concerning the proposed Rule changes they should contact the Managers.

Yours faithfully,

THOMAS MILLER DEFENCE LTD
Managers

APPENDIX "A"

RULE AMENDMENT NO.1

Rule 5(2): Appointment of lawyers

No **Member** shall without the prior approval in writing of the **Association**

~~(a)~~ appoint any lawyer or other person for legal or other advice in connection with any claim, dispute or **Proceedings** which might give or has given rise to a claim on the **Association**;

~~(b)~~ Enter in to any fee arrangement with lawyers or other persons other than fees calculated on a time basis (such as condition, contingency or success fees);

RULE AMENDMENT NO. 2

Rule 29: Laid-up Returns

(1) If an **Entered Ship** shall be and remain unemployed in any safe place for a period of thirty (30) or more consecutive days after finally mooring there the **Member** shall be allowed a return of all **Calls** levied pursuant to these **Rules** at such rate as the **Association** may from time to time determine. Subject to that, the return of **Calls** will be pro rata to the period the **Ship** remains in a safe place as against the **Policy Year**.

(2) For the purposes of Rule 29(1):

(a) a **Ship** will not be treated as laid-up if she is undergoing repair, conversion or modification or has either crew members (other than for her maintenance or security) or cargo on board, unless the **Association** decides otherwise;

~~(b)~~ no return of **Calls** shall be allowed if a **Member** makes any claim in respect of the **Entered Ship** in respect of any claims, disputes or **Proceedings** arising out of events occurring during the period beginning with the **Ship's** arrival at the safe place and ending upon her final departure from the safe place;

(b) the **Association** shall decide whether any place is a safe place and, if disputed by the **Member**, the **Directors** will decide and their decision will be final;

(c) no claim for laid-up returns relating to any **Policy Year** shall be recoverable from the **Association** unless written notice has been given to the **Association** within ~~six~~ ~~(6)~~ three (3) months of the end of that **Policy Year**;

(d) no return of **Fixed Premiums** shall be payable unless the **Directors** otherwise decide; and

(e) no return of any **Contingency Call** or amounts due under Rule 24(8) shall be allowed by reason of Rule 29(1).

A G E N D A

19th January, 2017

- 1. To read the Notice of Meeting**
- 2. Proposed amendments to the Rules**

Special Resolution 1 to propose:

“That, with effect from 12 noon Greenwich Mean Time on 20th February, 2017, the amendments to the Rules as contained in the printed document marked “Appendix A” submitted to this meeting and for the purposes of identification signed by the Chairman be and are hereby adopted.”

- 3. Any Other Business**
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