

Circular

CIRCULAR TO ALL MEMBERS

Ref: 2012/02

May, 2012

Pre-fixture Enquiries

Members will be aware that one of the factors taken into consideration in determining the extent of the Association's support is the "reasonableness of a Member's conduct." As part of this review the Directors will consider the extent of pre-fixture enquiries that have been made by the Member prior to entering into a contract which forms the basis of the dispute.

The level of enquiries will of course depend on whether the Member has had previous dealing with the other party and also the nature of the trade, however the Directors do consider that where the contractual party is unknown or relatively unknown to the Member enquiries should be made prior to entering into such a contract with other operators who have had contractual dealings with this party or brokers who are knowledgeable of them.

Yours faithfully,
THOMAS MILLER DEFENCE LTD
Managers