

CIRCULAR

20th December 2021

To the Members

It should be noted that the following amendments to Rules will be effective from the 20th February 2022

CLASS I - PROTECTION & INDEMNITY & CLASS VI – CHARTERERS LIABILITY - RULE 4.23 - FINES

Delete the existing sub-rules (b) and (e).

Existing sub-rules (c) and (d) become sub-rules (b) and (c).

Add the following new sub-rule (d):

- d) *Any other fine or penalty where the Member has satisfied the Directors that he took all such steps as appear to the Directors to be reasonable to avoid the event giving rise to the fine or penalty but only to the extent to which the Directors may in their discretion determine that any amounts claimed in respect of such fine or penalty should be recoverable.*

All other parts of Rule 4.23 to remain unchanged.

CLASS VI – CHARTERERS LIABILITY – RULE 4.17 CONTRACTS OF INDEMNITY

Rule 4.17 to be replaced by the following:

Contractual liabilities and indemnities

Liabilities, costs and expenses, including liability for loss of life or personal injury but excluding liability for any cargo intended to be or being or having been carried in an entered ship, or the payment of compensation or wages, arising:

- (a) *under the terms of a contract to which the Member is a party; or*
(b) *under the terms of an indemnity granted by the Member;*

PROVIDED ALWAYS that:

- (i) the Managers shall have previously approved the terms of the contract or indemnity and agreed the terms of any additional cover in writing; and*
- (ii) the Member has paid or agreed to pay such additional call or premium as may be required by the Association.*

The change to Class I Rule 4.23 and Class VI Rule 4.23 is intended to bring these rules in line with current market practice and the change to Class VI Rule 4.17 is intended to bring this rule in line with Class I Rule 4.17.

Yours faithfully

The Board of Directors
Maritime Mutual Insurance Association (NZ) Limited