

MARKET BULLETIN

From	Director Worldwide Markets Directorate (extn 6677)
Date	19 January 2006
Reference	Y3730
Subject	Key legislative requirements in the Caribbean region and Bermuda
Subject areas	1) Choice of law and jurisdiction and 2) service of suit nominee
Attachments	Appendix 1 – provides details of the subject areas
Action points	Market to adhere to these specific requirements
Deadlines	Immediate

Purpose of bulletin

This bulletin provides the current legislative requirements relating to (1) the choice of law and jurisdiction and (2) service of suit nominee, for those territories where Lloyd's is licenced in the Caribbean region and Bermuda.

Law and jurisdiction & service of suit nominee

To assist managing agents meet key compliance requirements, Worldwide Markets - International Compliance have produced a summary of the requirements relating to (1) the choice of law and jurisdiction and (2) service of suit nominee, in those territories where Lloyd's is licenced in the Caribbean region and Bermuda (see Appendix1). The relevant Country Manuals and Quick Reference Guides have been updated and the changes will be reflected in the next version of the Quality Assurance Tools, when they are next revised.

Further information

If you have any queries about this bulletin, please contact Lloyd's Worldwide Market Services:

Lloyd's Worldwide Market Services

Tel: 020 7327 6677 - Email: market.services@lloyds.com

Box 190b, Gallery 1

This bulletin has been sent to active underwriters and the compliance officers of managing agents and Lloyd's brokers.

The information contained in this market bulletin is provided in order to support managing agents in meeting their commitment ***'to protect Lloyd's licences and authorisations to conduct insurance business in the UK and overseas'***. The information will also help underwriters decide, prior to binding, how a risk can be underwritten in compliance with Lloyd's trading rights in the country concerned.

Julian James
Director
Worldwide Markets Directorate

APPENDIX 1

Key legislative requirements in the Caribbean region and Bermuda

Territory	Choice of law & jurisdiction	Service of suit nominee
Anguilla	The insuring documentation must contain a jurisdiction clause, ¹ stating the insurance is subject to the jurisdiction of Anguilla.	A service of suit nominee is mandatory. Underwriters should ensure that the insuring documents contain a service of suit clause nominating a local resident authorised by the Insurance Regulator.
Antigua	The insuring documentation must contain a jurisdiction clause ¹ , stating the insurance is subject to the jurisdiction of Antigua.	A local service of suit nominee is not mandatory. The legislation is silent in this regard; however, it is considered best practice to include a Service of Suit clause nominating a local resident.
Bahamas	The insuring documentation must contain a jurisdiction clause ¹ , stating the insurance is subject to the jurisdiction of The Bahamas.	A service of suit nominee is mandatory. Underwriters should ensure that the insuring documents contain a service of suit clause nominating a local resident authorised by the Insurance Regulator. Higgs & Johnson, are able to accept service of suit on behalf of underwriters although an authorised alternative may be appointed.
Barbados	The insuring documentation must contain a law and jurisdiction clause, stating the insurance is subject to the laws and jurisdiction of Barbados.	A service of suit nominee is mandatory. Underwriters should ensure that the insuring documents contain a service of suit clause nominating a local resident authorised by the Insurance Regulator. Mr Juris Chambers is the recommended nominee for Service of Suit for Lloyd's Underwriters although an authorised alternative may be appointed.
Bermuda	The law is silent on this issue, however, the choice of law and jurisdiction should be agreed by the relevant parties.	A service of suit nominee is not mandatory, however, it is considered best practice to include a Service of Suit clause nominating a local resident.
British Virgin Islands	The law is silent on this issue, however, the choice of law and jurisdiction should be agreed by the relevant parties.	A local service of suit nominee is not mandatory, however, it is considered best practice to include a Service of Suit clause nominating a local resident. The Lloyd's Agent, O'Neal & Mundy Co. Ltd is the recommended service of suit nominee, although an alternative may be appointed.
Cayman Islands	All 'domestic business' ² is subject to the jurisdiction of the courts of the Cayman Islands ¹ . For 'non-domestic' business, there is a free choice of jurisdiction which must be clearly shown on the slip.	For 'domestic business' ² , a local service of suit nominee is mandatory. The person must be resident in the Islands and approved by the Cayman Monetary Authority. Lloyd's Agent in the Cayman Islands, Leroy B Whorms Sr & Associates, is approved and willing to be nominated for this purpose. For 'non-domestic' business, there is a free choice of service of suit nominee and this must be clearly shown on the slip.

¹ The law is silent on choice of law.

² 'Domestic business' is defined as a placement through a Cayman registered insurance broker.

Territory	Choice of law & jurisdiction	Service of suit nominee
Dominica	The insuring documentation must contain a law and jurisdiction clause, stating the insurance is subject to the laws and jurisdiction of Dominica.	A local service of suit nominee is not mandatory. It is considered best practice to include a Service of Suit clause nominating a local resident. Lloyd's Agent, HHV Whitchurch & Co Ltd, is willing to be nominated for this purpose.
Grenada	The insuring documentation must contain a law and jurisdiction clause, stating the insurance is subject to the laws and jurisdiction of Grenada.	A service of suit is mandatory. Underwriters should ensure that the insuring documentation contains a service of suit clause nominating a local resident authorised by the Insurance Regulator. The Lloyd's Agent, Jonas Browne & Hubbard (Grenada) Ltd has been nominated for this purpose, although an authorised alternative nominee may be appointed.
Jamaica	The insurance, with the exception of marine insurance contracts, is subject to Jamaican law.	A service of suit clause is mandatory. Underwriters should ensure that the insuring documentation contains a service of suit clause nominating a local resident authorised by the Insurance Regulator. The Lloyd's Agent, R S Gamble (1998) Ltd, can be nominated although an authorised alternative nominee may be appointed.
St.Kitts & Nevis	The insuring documentation must contain a jurisdiction clause ¹ , stating the insurance is subject to the jurisdiction of St Kitts & Nevis.	A service of suit nominee is not mandatory. It is considered best practice to include a Service of Suit clause nominating a local resident. Where required, the Lloyd's Agent, Delisle, Walwyn & Co., Ltd, can be nominated although an alternative nominee may be appointed.
St. Lucia	The insuring documentation must contain a law and jurisdiction clause, stating the insurance is subject to the laws and jurisdiction of St Lucia.	A service of suit clause is mandatory. Underwriters should ensure that the insuring documentation contains a service of suit clause nominating a local resident. Lloyd's Agent Minvielle & Chastanet Ltd have been nominated for this purpose although an alternative nominee may be appointed.
St. Vincent & the Grenadines	The insuring documentation must contain a law and jurisdiction clause, stating the insurance is subject to the laws and jurisdiction of St Vincent & the Grenadines.	A service of suit clause is mandatory. Underwriters should ensure that the insuring documentation contains a service of suit clause nominating a local resident. Lloyd's Agent Hazells Ltd, can be nominated although an alternative nominee may be appointed.
Trinidad & Tobago	The insuring documentation must contain a law and jurisdiction clause, stating the insurance is subject to the laws and jurisdiction of Trinidad & Tobago.	A service of suit clause is not mandatory, however, it is regarded as best practice to include one. Lloyd's Agent Huggins Services Ltd is able to accept service of suit on behalf of Lloyd's underwriters.
USVI	The insuring documentation must contain a law and jurisdiction clause, stating the insurance is subject to the laws and jurisdiction of the US Virgin Islands.	Ensure that the insurance contains a Service of Suit clause nominating either Mr Henry L Feuerzeig, (Lloyd's AIF) or the Commissioner of Insurance.