

Market Bulletin

Ref: Y5294

Title	Pre-emptions and De-emptions for the 2021 Year of Account
Purpose	Procedure for making pre-emption and de-emption applications for the 2021 year of account
Type	Scheduled
From	Tony Chaudhry, Head of Syndicate Performance Management
Date	1 June 2020
Deadline	21 August 2020 onwards
Related links	Business Timetable ; Auction & Stamp Building Timetable and Associated Forms ; Syndicate Pre-emption Byelaw

Managing agents should note the content of this bulletin, which provides details of:

- i) the business plan agreement process in respect of changes in capacity
- ii) the pre-emption and de-emption notification process

Change in syndicate capacity for aligned syndicates

Where managing agents can confirm to the Performance Management Division (PMD) that:

- all of the members of a syndicate approve a proposed change in syndicate capacity and the proportions in which the change will be allocated; and
- the capacity will not be traded in the auctions,

managing agents are not required to follow the pre-emption procedures set out in the Syndicate Pre-Emption Byelaw. Any changes to the syndicate capacity will be addressed as part of the Syndicate Business Plan process.

Changes in syndicate capacity for non-aligned syndicates

Managing agents of non-aligned syndicates that wish to increase or decrease capacity are required to follow the procedures set out in the Syndicate Pre-Emption Byelaw. In outline, where a managing agent wishes to increase capacity it is required to write to all members (where appropriate through their members' agent or MAPA operator) offering the additional capacity on a pro-rata basis. Decreases in capacity should also be on a pro-rata basis. **All offers of additional capacity must be made no later than 21 August 2020.**

- Capacity Increases of more than 7.5%

Where a managing agent wishes to increase the capacity of a syndicate by more than 7.5% the managing agent must give written notice to members of its intention and within 14 days is required to obtain 75% agreement from the syndicate members who respond, weighted by capacity. Managing agents need to ensure they have the requisite approval prior to making any pre-emption offer. Paragraph 6 of the Syndicate Pre-Emption Byelaw provides further details of the procedure to be followed.

- Offers to be conditional on PMD agreement

Any pre-emption offer made under the Syndicate Pre-emption Byelaw must be made conditional on an increase in the syndicate's capacity being agreed by the Capital and Planning Group (CPG) as part of the syndicate's Business Plan and provide that if a lower increase is agreed the increase in syndicate capacity being offered shall be reduced accordingly. The offer must also invite members to specify whether they would wish to take up all or part of their pre-emption entitlement if a lower increase in syndicate capacity is agreed by CPG.

- Acceptance of pre-emption offers

Any acceptance of a pre-emption offer must be made by no later than 19 October 2020. As pre-emption offers are conditional on an increase in syndicate capacity being agreed by CPG, no acceptance of an offer shall take effect until such agreement is given. If an increase in syndicate capacity is agreed, the managing agent shall allocate the capacity to members of the syndicate in accordance with the offer and with members' acceptances. If no increase is agreed the pre-emption offer shall lapse.

Syndicate Business Planning Process

CPG will consider, and where appropriate agree, a proposed change in syndicate capacity as an integral part of agreeing Syndicate Business Plans. Details of proposed changes to syndicate capacity must be set out in the Syndicate Business Forecast (SBF).

Waiver of Requirement for Council Consent

As in previous years, the requirement for the approval of Council set out in the Syndicate Pre-Emption Byelaw is waived in respect of:

- increases in syndicate capacity in excess of 25% (paragraph 6(8)(a));
- any increase in syndicate capacity where a managing agent has been informed of a regulatory concern (paragraph 6(8)(b));
- where the agent manages a syndicate in run-off (paragraph 4A); and
- reductions in syndicate capacity in excess of 15% (paragraph 5(5)).

Instead, all changes in capacity will be considered by Lloyd's as part of the Syndicate Business Plan Process.

Returns for non-aligned syndicates

The following forms must be used when making returns to MemberServices so that they are kept fully informed of proposed changes and to enable syndicate stamps to be prepared for the 2021 year of account.

- pre-emption intentions (PI)
- pre-emption confirmations (PC)
- de-emption intentions (DI)
- de-emption confirmations (DC)

Member Services must receive completed PI and DI forms by close of business on 1 September 2020 and completed PC and DC forms within one working day of a syndicate receiving notification from CPG that their business plan for 2021 has been agreed. These forms can be obtained from the Lloyd's website within the [Auction & Stamp Building Timetable and Forms](#) section or by emailing syndicatestamps@lloyds.com in Member Services.

If you have any enquiries relating to this bulletin please contact your Oversight Manager.