

**COURT OF SESSION
PRACTICE NOTE**

No. 1 of 2006

**PETITIONS BY EXECUTORS OF UNDERWRITING MEMBERS OF LLOYD'S OF
LONDON**

1. This practice note has effect from 17th March 2006.
2. The purpose of this practice note is to provide guidance in respect of applications to which Rule 63.6A of the Rules of the Court of Session applies^(a).

Reinsurance

3. It is anticipated that Rule 63.6A will only apply where the liabilities of the estate in respect of syndicates of which the deceased was a member—
 - (a) for years of account before and including 1992, have been reinsured (whether directly or indirectly) into the Equitas Group; and
 - (b) for years of account from and including 1993, have arisen from membership of syndicates in respect of which any liability will be met by the Central Funds at Lloyd's or which is otherwise reinsured or the subject of indemnity (such as by being protected by an Estate Protection Plan covered by Centrewrite Ltd. or by EXEAT insurance cover provided by Centrewrite Ltd).

Remit to a reporter

4. In accordance with the opinion of the Inner House in the Petitions of *James Crosby Chisholm (Pardoe's Executor) and Others [2005] CSIH 82*, in general it will be sufficient that the remit to a reporter on an application under rule 63.6A(2)(a) covers—
 - (a) identification of the insurance business underwritten by the deceased;
 - (b) confirmation from the documentation produced by the petitioners of the reinsurance cover taken or other indemnity;
 - (c) where relevant, an assessment of the current position of the Equitas Group from the most recently available reports; and
 - (d) where relevant, confirmation in documentary form that the Lloyd's Central Fund remains available to meet prospectively valid claims by a relevant policy holder or that there is available some other suitable reinsurance or indemnity in respect of such claims.

Revocation

5. Practice Note No. 2 of 2002 (petitions relating to the distribution of estates of deceased Lloyd's names) is hereby revoked.

Lord President

Edinburgh
10th March 2006

^(a) Rule 63.6A was inserted by S.S.I. 2006/83.