

January 2017

COVER CIRCULAR

TO ALL MEMBERS

Skuld Statutes and P&I Rules - Amendments for the 2017/18 policy year

All amendments are listed below. Skuld Statutes and Skuld P&I Rules will appear as two different publications on our website. Hard copies will be available to members upon request.

New text appears **in red** and deletions are ~~struck through~~.

1. SKULD STATUTES

2. DISSOLUTION AND PERIOD OF TRANSITION

2.2 Provisions for the period of transition

These Statutes shall come into force and the previous Statutes shall cease to have effect as from 20 February **2017** ~~2016~~ 12.00 (noon) GMT. Liabilities or losses incurred before such time shall be determined in accordance with the Statutes then applicable.

NORWEGIAN VERSION OF STATUTES:

2.2 Overgangsregler

Disse vedtekter trer i kraft og de tidligere vedtekter oppheves fra 20.2.201**7** kl. 12.00 GMT. Ansvar eller tap som er oppstått før det nevnte tidspunkt, bedømmes etter de tidligere vedtekter.

2. SKULD RULES

The following changes to Rules were approved by the Board of Directors of Assuranceforeningen Skuld (Gjensidig) at its Meeting in November 2016.

Commentary: Changes in Rules reflect:

- (i) *amendments under Maritime Labour Convention (MLC) entering into force on January 18, 2017 will be covered under a separate MLC Extension Clause outside of Rules (see also IG Circulars published October 7 and November 16, 2016);*
- (ii) *new version of York Antwerp Rules adopted in 2016 by the Comité Maritime International.*

7.1 Cover

The standard insurance for crew shall cover the member's liability for,

7.1.7

costs of repatriation under a statutory obligation, **other than Maritime Labour Convention** ~~including the Maritime Labour Convention 2006~~ or equivalent domestic legislation ~~by a State Party to MLC~~

14.2 Exceptions

However, the standard insurance shall not cover under this Rule or any other Rule,

14.2.2

costs and expenses which would be recoverable in general average if the member had incorporated the **unamended** York-Antwerp Rules 1994.

28.5 Pay to be paid

28.5.2

Notwithstanding Rule 28.5.1, where a member has failed to discharge a legal liability to pay damages or compensation for personal injury, illness or death of a crew member, ~~or costs of repatriation under the Maritime Labour Convention 2006~~, the Association shall discharge or pay such claim on the member's behalf directly to such crew member or dependent thereof, provided always that...

d) any payment under c) ~~or in respect of costs of repatriation under Rule 28.5.2 (unless arising under Guideline B2.5 (c) (i) or (ii) of Regulation 2.5 of the Maritime Labour Convention 2006)~~ shall be made by the Association as agent only of the member and the member shall be liable to reimburse the Association for the full amount of such payment.

30.4. Excluded risks

The insurance shall not cover,

30.4.1 war risks' liabilities, costs or expenses (as defined in Appendix 1),

a) except that the Association will discharge on behalf of the member liabilities, costs, expenses arising under a demand made pursuant to the issue by the Association on behalf of the member of

...

(vii) **MLC Certificates**

Appendix 1 Definitions

~~MLC~~

~~Maritime Labour Convention 2006~~

MLC Certificates

Certificates issued by Skuld in compliance with The Maritime Labour Convention 2006 (as amended) Regulation 2.5, Standard A2.5.2. and Regulation 4.2., Standard A4.2.1 paragraph 1(b)

Appendix 5A PASSENGERS, CREW AND OTHER PERSONS CARRIED ON BOARD

~~5. The Association's liability in respect of costs of repatriation under MLC pursuant to Rule 7.1.7 shall be limited to an amount equivalent to the Association's retention under the Pooling Agreement.~~